



W.P(MD)No.2453 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.2453 of 2020
and
W.M.P(MD)No.2094 of 2020**

B.R.Narasimhan

... Petitioner

VS.

1.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation.

3.The Inspector of Police,
Srirangam Police Station,
Tiruchirappalli City Police.

4.P.Paramkusadasu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to demolish the unlawful construction violating the Tamil Nadu Town and Country Planning Act and Rules, located at No.75, North Chitra Street,



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Srirangam, Trichy – 626 006 and comply with the necessary building guidelines and direct the second respondent to find the vertical, horizontal land carrying stability of the scraped western wall of the petitioner and restore to its original position and original strength to safe guard the original longevity of the structure and safety of the petitioner and issue penalty to the fourth respondent for the violation of compensation for strengthening the inner side of the western wall of the petitioner and fix responsibility to the officials incharge.

For Petitioner	: Mr.N.Sivakumar
For Respondent Nos.1 & 2	: Mr.R.Baskaran Standing Counsel for M/s.R.B.Law Associates
For Respondent No.3	: Mr.S.S.Madhavan Government Advocate
For Respondent No.4	: Mr.V.Ramakrishnan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to direct the respondents 1 and 2 to demolish the unlawful construction violating the Tamil Nadu Town and Country Planning Act and Rules, located at No.75, North Chitra Street, Srirangam, Trichy – 626 006 and comply with the necessary building guidelines and direct the second respondent to find the vertical, horizontal



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land carrying stability of the scraped western wall of the petitioner and restore to its original position and original strength to safe guard the original longevity of the structure and safety of the petitioner and issue penalty to the fourth respondent for the violation of compensation for strengthening the inner side of the western wall of the petitioner and fix responsibility to the officials incharge.

2. According to the petitioner, he and his sisters are the owners of the property located at No.76, North Chitra Street, Srirangam, T.S.No. 277 and the western wall of the house belongs to them. Likewise, in the old Srirangam line houses, the western wall ownership is vested with all the house owners in the Street. While so, someone next door to the petitioner has started to demolish their old house completely and started a new construction. Pursuant to the construction work, the petitioner's house and wall have been heavily damaged. Hence, the petitioner made a complaint to the respondents 2 and 3 on 24.01.2020 to inspect the building and stop the work till the stability is ensured. Till then, no action has been taken against the fourth respondent. Hence, the petitioner has filed the present Writ Petition.



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3.The learned Standing Counsel appearing for the respondents 1 and 2, on instructions, submits that the building in question has been locked and sealed and undertakes that the authority concerned will take necessary action for removal of the unauthorized construction in accordance with law.

4.Taking into consideration the facts and circumstances of the case, the respondents 1 and 2 are directed to take necessary action for removal of unauthorized construction made by the fourth respondent in the subject property in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

5.To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government Order. The respondents 1 and 2 shall file an action taken report before the



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Monitoring Committee for removal of the unauthorized construction made by the fourth respondent.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
18.03.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.
- 2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation.
- 3.The Inspector of Police,
Srirangam Police Station,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 18.03.2024