



W.P.(MD) No.4970 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.4970 of 2023

and

W.M.P.(MD)Nos.4637 and 19393 of 2023

Maheswari Vaiyahpuri

... Petitioner

-Vs-

- 1.The Principal Secretary,  
Housing and Urban Development Department,  
Secretariat, Fort St.George, Chennai-9.
- 2.The Principal Secretary,  
Municipal Administration and Water Supply Department,  
Secretariat, Fort St.George, Chennai-9.
- 3.The Director,  
Municipal Administration,  
Ezhilagam, Chepakkam,  
Chennai-5.
- 4.The Director,  
Town and Country Planning,  
Housing and Urban Development Department,  
Secretariat, Fort St.George, Chennai-9.
- 5.The Additional Secretary (Technical),  
Housing and Urban Development Department,



W.P.(MD) No.4970 of 2023

Secretariat, Fort St.George,  
Chennai-9.

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- 6.The Tamil Nadu Real Estate Regulatory Authority,  
No.1A, First Floor, CMDA Tower II,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai-8.
- 7.The District Collector,  
Trichy District,  
Trichy-620 001.
- 8.The Commissioner,  
Trichy City Corporation,  
Cantonment, Trichy-620 001.
- 9.The Superintendent Engineer,  
Trichy Electricity Distribution Circle/Metro,  
TANGEDCO,  
Mannarpuram, Trichy.
- 10.The Deputy Director,  
Town and Country Planning,  
Trichy Region, Kajamalai,  
Trichy.
- 11.The Member Secretary,  
Trichy Local Planning Authority,  
Kajamalai, Trichy.
- 12.The Assistant Commissioner,  
Division-5, Trichy City Corporation,  
Puthur, Trichy.
- 13.The District Registrar (Administration),  
District Registrar Office,  
District Court Campus,  
Cantonment, Trichy.



W.P.(MD) No.4970 of 2023

14.The Sub Registrar,  
Uraiyur Sub Registrar Office,  
Malliyamapthu, Vayalur Road,  
Srirangam Taluk, Trichy.

15.M/s.Sri Balage Housing,  
Represented by its Partner P.Suresh,  
A5,Salai Road, Thillainagar, Trichy-18.

16.S.Thangavelu

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 14 to take appropriate action to demolish the unauthorized construction put up by the 15<sup>th</sup> respondent at 4<sup>th</sup> Cross Street, T.S.No.60, Ward No.56, Thillainagar, Trichy-18 within a time frame that may be stipulated by this Court.

|                   |                              |
|-------------------|------------------------------|
| For Petitioner    | : Mr.N.S.Senthil Kumar       |
| For R1 to R5, R7, | : Mr.S.P.Maharajan           |
| R10 & R13         | : Special Government Pleader |
| For R9            | : Mr.S.Deenadhayalan         |
|                   | : Standing Counsel           |
| For R8 & R12      | : Mr.R.Baskaran              |
|                   | : for M/S.R.B.Law Associates |
| For R15           | : Mr.T.Vadivelan             |
| For R16           | : Mr.A.Vigneshwaran          |

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

Seeking demolition of the unauthorized construction put up by the 15<sup>th</sup> respondent, the petitioner has filed this writ petition.



W.P.(MD) No.4970 of 2023

2.The learned counsel for the petitioner submits that the fifth respondent, who is a real estate promoter, had constructed the building in question in the petition mentioned property in violation of the approval granted by the authorities concerned. The steps taken by the petitioner before the official respondents to demolish the unauthorized building put up by the fifteenth respondent were went in vain. Hence, the petitioner has filed the present writ petition before this Court.

3.The learned Special Government Pleader appearing on behalf of the official respondents submits that earlier a writ petition was filed in W.P.(MD)No. 5639 of 2023 by the tenants of the building constructed by the fifteenth respondent. The said writ petition was disposed of directing the official respondents to seal all the flats which are constructed in violation of the approval on 01.06.2023. Based on the said direction, the building in question was sealed on 01.06.2023 by following the due process of law. Hence, nothing remains to be considered in this writ petition.

4.At this juncture, the learned counsel for the petitioner submits that after sealing the building in question, the respondent Corporation has not taken



W.P.(MD) No.4970 of 2023

any steps to remove the unauthorized construction put up by the fifteenth respondent.

5.Considering the facts and circumstances of the case, this Court directs the eighth respondent to take necessary action for removal of the unauthorized construction in the property in question by following due process of law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

**[D.K.K., J.] & [R.V., J.]**  
**25.03.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P.(MD) No.4970 of 2023

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W.P.(MD) No.4970 of 2023

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W.P.(MD) No.4970 of 2023

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W.P.(MD)No.4970 of 2023

25.03.2024