



W.P(MD)No.11962 of 2021

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.11962 of 2021
and
W.M.P(MD)No.9382 of 2021**

S.Balasubramanian

... Petitioner

VS.

- 1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.
- 2.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Trichy – 620 001.
- 3.The Member Secretary,
Tiruchirappalli Local Planning Authority,
No.10, Williams Road,
Trichy – 620 001.
- 4.The Assistant Commissioner,
Ariyamangalam Ward Zone,
Tiruchirappalli City Municipal Corporation,
Trichy – 600 001.

5.P.S.Kannan

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to demolish the entire illegal constructions made by the fifth respondent without obtaining planning permission in respect of a land situate at Thiruchirappalli District, Thiruchirappalli Taluk, Joint No.3 in Daranallore Village bearing Survey No.59/1, (T.S.No.1/1), New Ward Q, New Block – 4, comprising an area of 1 acre 80 cents of agriculture land on the basis of the petitioner's representation dated 05.07.2020 under the provisions of the Thiruchirappalli City Municipal Corporation Act, 1994 and the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner	: Mr.S.Ramakrishnan
For Respondent No.1	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent Nos.2 to 4	: Mr.R.Baskaran Standing Counsel for M/s.R.B.Law Associates
For Respondent No.5	: Mr.P.Paranthaman

ORDER

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

Prayer in this Writ Petition is to direct the respondents 1 to 4 to demolish the entire illegal constructions made by the fifth respondent



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without obtaining planning permission in respect of a land situate at Thiruchirappalli District, Thiruchirappalli Taluk, Joint No.3 in Daranallore Village bearing Survey No.59/1, (T.S.No.1/1), New Ward Q, New Block – 4, comprising an area of 1 acre 80 cents of agriculture land on the basis of the petitioner's representation dated 05.07.2020 under the provisions of the Thiruchirappalli City Municipal Corporation Act, 1994 and the Tamil Nadu Town and Country Planning Act, 1971.

2.According to the petitioner, the fifth respondent constructed a building in the abovesaid property, without obtaining any planning approval from the authority concerned. Hence the petitioner submitted a representation dated 05.07.2020 to the official respondents. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.

3.The learned Standing Counsel appearing for the respondents 2 to 4 would submit that a notice, dated 07.02.2024 has been issued by the third respondent to the fifth respondent under Section 56 and 57 of the Town and Country Planning Act, 1971 and the authority concerned will take necessary action for removal of the same in accordance with law.



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4.The learned counsel appearing for the fifth respondent would submit that the superstructure has been put up by the Hindustan Petroleum Corporation Limited in the building in question and the same does not belong to the petitioner.

5.Considering the facts and circumstances of the case, we direct the second respondent to proceed for the removal of unauthorized construction and if any unauthorized construction or any violation of the relevant rules are found, necessary action shall be taken for removal of the same 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.

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



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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