



W.P(MD)No.1719 of 2019

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.1719 of 2019

M.Kalaivani

... Petitioner

VS.

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
Corporation Office, Bharathidasan Salai,
Tiruchirappalli – 1.

2.Milton Kumar
3.M.Sellamuthu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to cancel the regularization that has been granted on 29.04.2011 in Na.Ka.No.F1/2547/2011(Pon) relating to the plots in the said Karunya Nagar and directing under Section 286 of Tiruchirappalli City Corporation Act for the demolition of all the unauthorized construction by restoring the lay out area by combining the lands in Survey Nos.160, 161, 301/6A1 to 6A7, 302/2A, 2B1, 2B2, 2B3, 2B4, 302/3, 4A, 4B, 303/1A, 1B, 2 and 3 totally measuring 4,08,160 sq.feet and dividing the same into house plots by forming a lay out naming it as 'Karunya Nagar' into an agricultural one.

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For Petitioner

: Mr.C.Deepak

For Respondent No.1

: Mr.R.Baskaran
Standing Counsel
for M/s.R.B.Law Associates

For Respondent No.3

: No appearance

ORDER

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

Prayer in this Writ Petition is to direct the first respondent to cancel the regularization that has been granted on 29.04.2011 in Na.Ka.No.F1/2547/2011(Pon) relating to the plots in the said Karunya Nagar and to direct under Section 286 of Tiruchirappalli City Corporation Act for the demolition of all the unauthorized construction by restoring the lay out area by combining the lands in Survey Nos.160, 161, 301/6A1 to 6A7, 302/2A, 2B1, 2B2, 2B3, 2B4, 302/3, 4A, 4B, 303/1A, 1B, 2 and 3 totally measuring 4,08,160 sq.feet and dividing the same into house plots by forming a lay out naming it as 'Karunya Nagar' into an agricultural one.

2.According to the petitioner, a part of Alanthur Village is lying in Ward No.31 of Ponmalai Zone of Tiruchirappalli City Corporation and the land measuring 4,08,160 square feet has been divided into 210 plots as house sites by forming a lay out under the name and style of Karunya



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The said Karunya Nagar lay out was formed by the respondents 2 and 3 in the year 2011. The first respondent has granted regularization in respect of the building in the unapproved layout. Seeking to cancel the regularization that has been granted on 29.04.2011 relating to the plots in the said Karunya Nagar, the petitioner has filed the present Writ Petition.

3.On a perusal of the materials available on record, it is seen that the regularization has been granted by the first respondent on 29.04.2011 and after a period of 8 years, the petitioner has filed the present Writ Petition seeking to cancel the said regularization. Further, in the affidavit filed in support of the Writ Petition, there is no explanation for the inordinate delay in filing the Writ Petition. Hence, we are of the view that the Writ Petition cannot be entertained and the same is liable to be dismissed on the ground of delay and laches.

4.Accordingly, the Writ Petition is dismissed. No costs.

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

NCC : Yes / No
Index : Yes / No
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To

The Commissioner,
Tiruchirappalli City Municipal Corporation,
Corporation Office, Bharathidasan Salai,
Tiruchirappalli – 1.



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

ps

ORDER MADE IN
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