



W.P(MD)No.18424 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.18424 of 2019
and
W.M.P(MD)No.14848 of 2019**

Chandran

... Petitioner

VS.

- 1.The Conservation Assistant,
Archeological Survey of India,
Trichy Sub Circle,
Main Guard Gate,
Theppakulam Post,
Tiruchirappalli.
- 2.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 001.
- 3.The Assistant Commissioner,
Sri Rangam Zone,
Tiruchirappalli Corporation,
Tiruchirappalli Corporation,
Tiruchirappalli – 620 005.
- 4.M.Pandian
- 5.P.Prema

... Respondents



W.P(MD)No.18424 of 2019

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 2 and 3 to take action against the respondents 4 and 5 in respect of the unauthorized building put up by them in Door No.102, Vanapattarai Street, Theppakulam Post, Trichy – 2 under the provisions of Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 and the provisions of Coimbatore Municipal Corporation Act, applicable to Tiruchirappalli Corporation.

For Petitioner	: Ms.J.Maria Roseline
For Respondent Nos.2 & 3	: Mr.R.Baskaran Standing Counsel for M/s.R.B.Law Associates
For Respondent No.4	: Mr.R.Sundar

ORDER

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

Prayer in this Writ Petition is to direct the respondents 2 and 3 to take action against the respondents 4 and 5 in respect of the unauthorized building put up by them in Door No.102, Vanapattarai Street, Theppakulam Post, Trichy – 2 under the provisions of Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 and the provisions of Coimbatore Municipal Corporation Act, applicable to Tiruchirappalli Corporation.

2/6



W.P(MD)No.18424 of 2019

WEB COPY

2. According to the petitioner, he is owner of three storey residential property bearing Door No.101A, situated at Vanapattarai Street, Theppakulam, Tiruchirappalli and the respondents 4 and 5 had purchased the property situated on the Southern side of the petitioner's property. While so, the respondents 4 and 5 started to construct a building. On receiving information from the third respondent under the Right to Information Act, it is stated that the respondents 4 and 5 have not obtained planning permission as required under law. Further, the third respondent, vide order dated 20.02.2019 stated that the applications submitted by the respondents 4 and 5 seeking planning permission was rejected on the ground that the subject area comes within 300 meters radius from the historical Rock Fort Temple and the area is under the control of Archeological Survey of India and therefore, no objection should be obtained from the Archeological Survey of India and further stated that the third respondent had issued stop work notice to the respondents 4 and 5. Since the third respondent has not taken any steps to remove the unauthorized constructions made by the respondents 4 and 5, the petitioner made a representation dated 20.03.2019. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.



W.P(MD)No.18424 of 2019

WEB COPY

3.The learned Standing Counsel appearing for the third respondent, on instructions, submits that the authority concerned will take necessary action for removal of the same in accordance with law.

4.Taking into consideration the facts and circumstances of the case, the respondents 2 and 3 are directed to take necessary action for removal of unauthorized construction made by the respondents 4 and 5 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 2 and 3 shall file an action taken report before the Monitoring Committee for removal of the unauthorized construction made by the respondents 4 and 5.



W.P(MD)No.18424 of 2019

WEB COPY

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 Conservation Assistant,
Archeological Survey of India,
Trichy Sub Circle,
Main Guard Gate,
Theppakulam Post,
Tiruchirappalli.
- 2.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 001.
- 3.The Assistant Commissioner,
Sri Rangam Zone,
Tiruchirappalli Corporation,
Tiruchirappalli Corporation,
Tiruchirappalli – 620 005.



WEB COPY



W.P(MD)No.18424 of 2019

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

ps

ORDER MADE IN
W.P(MD)No.18424 of 2019

DATED : 18.03.2024