



W.P(MD)No.20186 of 2021

WEB COPY 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.20186 of 2021

K.Kannan

... Petitioner

VS.

1.The Member Secretary,
Dindigul Local Planning Authority,
Dindigul – 624 003.

2.The Commissioner,
Corporation of Dindigul,
Dindigul.

3.K.Seenivasan

4.The Chairperson,
Tamil Nadu Real Estate Regulatory Authority (TNRERA),
1st Floor, Gandhi Irwin Bridge Road,
Egmore,
Chennai – 600 008.

... 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 consider the petitioner's representation dated 28.09.2021 and to take action in accordance with law on the unauthorized construction of flats at



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'Maple Front Luxury Apartments' situates in T.S.Nos.558A/1, 558A/2, 560A/1A of MVM Nagar, Chettinaickenpatiti, Ward No.2, Dindigul Town.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent No.1 : Mr.T.Amjad Khan
Government Advocate

For Respondent No.2 : Mr.J.Lawrance

For Respondent No.3 : Mr.R.R.Kannan

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 consider the petitioner's representation dated 28.09.2021 and to take action in accordance with law on the unauthorized construction of flats at 'Maple Front Luxury Apartments' situates in T.S.Nos.558A/1, 558A/2, 560A/1A of MVM Nagar, Chettinaickenpatiti, Ward No.2, Dindigul Town.

2.According to the petitioner, the third respondent has constructed 20 flats against the sanctioned flats viz., 15 flats. Therefore, 5 flats are constructed, without obtaining any permission from the authority concerned. Ventilating the same, the petitioner submitted a representation dated 28.09.2021 to the official respondents. Since the said representation has not been considered, the petitioner has filed the present Writ Petition.



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3.The learned counsel appearing for the second respondent submitted that the first respondent has sanctioned the planning permit for construction of ground + 3 floors in the property in question and thereafter, the second respondent has given approval for construction of the buildings. Since the third respondent has made a construction by deviating the plan approval to an extent of 536.41 sq.meters in the third floor, the second respondent has issued a notice under Section 274(1) and 296(1) and (2) of the Dindigul City Municipal Corporation Act and the authority concerned will take necessary action for removal of the same in accordance with law.

4.Considering the submissions made on either side, we direct the second respondent to take necessary action for removal of the deviated portion of the building in question 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.



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5.With the above direction, this Writ Petition is disposed of. No costs.

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

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Member Secretary,
Dindigul Local Planning Authority,
Dindigul – 624 003.
- 2.The Commissioner,
Corporation of Dindigul,
Dindigul.
- 3.The Chairperson,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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