



WEB COPY

W.P.(MD)Nos.2184 of 2015 and 23159 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR,
THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD)Nos.2184 of 2015 and 23159 of 2022

W.P.(MD)No.2184 of 2015:-

Allur.K.A.Srinivasan

... Petitioner

-VS-

- 1.The District Collector,
Tiruchirappali District.
- 2.The Commissioner,
Tiruchirappalli Corporation,
Thiruchirappalli.
- 3.The Assistant Director,
Town Planning Department,
Tiruchirappalli.
- 4.Ahamad Brothers,
Represented by its Proprietor,
Singarathoppu,
Trichy.
- 5.K.R.T. Motor Private Limited,
Represented by its Managing Director,
New Karur By-Pass Road, Trichy.



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6. Hotel Mayas,
Represented by its Manager,
Chathiram Bus Stand, Trichy.

7. Kalyan Jewellery,
Represented by its Manager,
Big Bazaar Street,
Trichy.

8. Hotel Surya,
Represented by its Manager,
N.S.B.Road,
Trichy.

9. Hotel Sangam,
Represented by its Manager,
Central Bus Stand,
Trichy.

10. Hotel Rayal Sathiyam,
Represented by its Manager,
Singarathoppu,
Trichy.

11. Trichy Sarathas,
Represented by its Manager,
N.S.B.Road,
Trichy.

12. Hotel Rajasugam,
Represented by its Manager,
Central Bus Stand, Trichy.

13. Hotel Pushpam,
Represented by its Manager,
Central Bus Stand,
Trichy.



14.Joy Alukas Jewellery,
Represented by its Manager,
Opposite to Joseph College,
Trichy.

15.Mayavaram Lodge,
Represented by its Manager,
Vanapattarai Street, Trichy.

16.Chitra Complex & Hotel,
Represented by its Manager,
Chatiram Bus Stand, Trichy.

17.Kavery Hospital,
Represented by its Manager,
Thennur, Trichy.

18.Hotel Sona,
Represented by its Manager,
Trichy Salai Road, Trichy.

19.Hotel Vasantha Bhavan,
Represented by its Manager,
N.S.B.Road, Trichy.

20.Sivam Readymades,
Represented by its Manager,
Nanthi Koil Street, Trichy.

21.Hotel Saratha,
Represented by its Manager,
Central Bus Stand, Trichy.

22.Hotel Vignesh,
Represented by its Manager,
Central Bus Stand, Trichy.

23.Hotel Ajantha,
Represented by its Manager,
Central Bus Stand, Trichy.



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24. Hotel Anand,
Represented by its Manager,
Central Bus Stand, Trichy.

25. Yogalakshmi Mahal,
Represented by its Manager,
6/16B, Vayalur Main Road,
Uyyakondan Thirumalai, Trichy.

26. Rathna Stores,
Represented by its Manager,
N.S.B. Road,
Trichy.

27. Mangal & Mangal,
Represented by its Manager,
N.S.B. Road,
Trichy.

28. Femina Shopping Mall,
Represented by its Manager,
Central Bus Stand, Trichy.

29. Sri Raj TVS,
Represented by its Manager,
New Karur By-Pass Road,
Annamalai Nagar, Trichy.

30. Bharath Shopping Mall,
Represented by its Manager,
Palamuthirsolai Road,
E.V.R. Road, Puthur, Trichy.

... Respondents

[R4 to R30 are impleaded vide order dated
20.09.2016, made in M.P.(MD)No.1 of 2015]

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 3 to take necessary action in accordance with law by considering the petitioner's representation dated 30.08.2014 and



consequently, direct the respondents to implement building rules and safety measures in Thiruchirapalli City.

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For Petitioner	: No Appearance
For R1 and R3	: Mr.P.Thilakkumar Government Pleader
For R2	: Mr.R.Baskaran Standing Counsel
For R4, R8, R10 to R12, R15 to R18, R20 to R23, R26 & R28 to R30	: Ms.J.Anandhavalli
For R5	: Mr.M.O.Thevankumar
For R6	: Mr.P.Jayaprakash Narayanan
For R7	: Mr.R.Pandivel
For 13	: Mr.R.Sundar Srinivasan
For R14	: Mr.K.Chandrasekar for M/s.Sarvabhauman Associates
For R19	: Mr.R.Sundar
For R24	: Mr.V.Karthikeyan for Mr.V.Vijay Shankar
For R27	: Mr.M.P.Senthil for Mr.R.Mohan

W.P.(MD)No.23159 of 2022:-

Kamalakannan, S/o.Alagiri Samy

... Petitioner

-VS-



- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development,
Secretariat,
Chennai – 600 009.
- 2.The Corporation of Tiruchirappalli,
Rep. by its Commissioner,
Opposite to Campion Anglos Indian Hr. Secondary School,
Thiruchirappalli – 620 001.
- 3.The District Collector,
Tiruchirappali District.
- 4.The Assistant Director,
Town Planning Department,
Tiruchirappalli.
- 5.Ahamad Brothers,
Represented by its Proprietor,
Singarathoppu,
Trichy – 620 002.
- 6.K.R.T. Motor Private Limited,
Represented by its Managing Director,
New Karur By-Pass Road, Trichy.
- 7.Hotal Mayas,
Represented by its Manager,
Chathiram Bus Stand, Trichy.
- 8.Kalyan Jewellery,
Represented by its Manager,
Big Bazaar Street,
Trichy.
- 9.Hotel Surya,
Represented by its Manager,
N.S.B.Road,
Trichy.



10.Hotel Sangam,
Represented by its Manager,
Central Bus Stand,
Trichy.

11.Hotel Guru (Kurinji Restaurant),
Represented by its Proprietor, Ranga,
Central Bus Stand,
Trichy.

12.Hotel Rayal Sathiyam,
Represented by its Manager,
Singarathoppu,
Trichy.

13.Trichy Sarathas,
Represented by its Manager,
N.S.B.Road,
Trichy.

14.Hotel Rajasugam,
Represented by its Manager,
Central Bus Stand, Trichy.

15.Hotel Pushpam,
Represented by its Manager,
Central Bus Stand,
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Opposite to Joseph College,
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Central Bus Stand, Trichy.
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Represented by its Manager,
New Karur By-Pass Road,
Annamalai Nagar, Trichy.

32.Bharath Shopping Mall,
Represented by its Manager,
Palamuthirsolai Road,
E.V.R.Road, Puthur, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to take necessary action in accordance with law, considering the petitioner's representation dated 19.07.2022 and consequently, direct the respondents 3 and 4 to implement building rules and safety measures in Trichy City.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1, R3 and R4 : Mr.P.Thilakkumar
Government Pleader



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W.P.(MD)Nos.2184 of 2015 and 23159 of 2021



For R2

: Mr.R.Baskaran
Standing Counsel

For R11

: Ms.Pandi Priya

For R14

: Mr.S.Vinod Sathya Lazar

COMMON ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

These Writ Petitions have been filed before this Court seeking to take action against the owners of the building for violating existing building rule and safety measures and a consequential direction to the authorities to implement building rules and safety measures in Thiruchirapalli City.

2. When the matter came up for hearing on 30.11.2018, this Court had directed the Commissioner, Tiruchirappalli City Corporation and the Local Planning Authority to file an affidavit as to why disciplinary proceedings should not be recommended against them for their failure to take action against the illegal buildings constructed either without planning permission or in violation of the planning permission.



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3. According to the petitioners, there has been an apparent violation and deviation from the approved building plan, and therefore, appropriate action needs to be taken. This Court has strongly criticized the situation at the time of admission, calling for the removal of the unauthorized construction and action against the officers responsible for permitting these illegal constructions at the specified location.

4. The learned counsels for the private respondents submitted that some of the private respondents have filed petitions under Section 80-A and 113-C of the Tamil Nadu Town and Country Planning Act, 1971 and those petitions are pending before the authorities concerned. They further submitted that insofar as the other respondents are concerned, they rectified the defects pointed out by the Corporation and restored the original position in accordance with the planning approval granted by the authorities concerned.

5. Mr.R.Baskaran, learned Standing Counsel appearing for the respondent Corporation submitted that those who have filed petitions with the authorities concerned must provide the necessary details to the



Commissioner. The respondent Corporation is awaiting the authority's decision and will proceed further in accordance with the law only after receiving it. If there is any violation or deviation of the permission granted, necessary action will be taken against the violators.

6. Considering the above said submissions of the learned counsel appearing for the parties and also in the interests of justice, this Court is inclined to pass the following order:-

(i) The private respondents, who have filed petitions under Section 80-A or Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971, are directed to submit the details to the respondent Corporation within a period of one week from the date of receipt of a copy of this order.

(ii) Regarding the other private respondents and any respondents who do not submit the required particulars within the specified period, the respondent Corporation is directed to inspect the property in question after providing proper notice to the concerned parties. The respondent Corporation should verify whether there is any violation of the building plan approval. If it is found that there is a violation, necessary action should be taken in accordance with law. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.



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7. With the above directions, these Writ Petitions are disposed of.
No costs.

[D.K.K., A.C.J.] [M.S.Q., J.]
06.09.2024

NCC : Yes / No
Index : Yes / No
smn2/LM

To

- 1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Tiruchirappali District.
- 3.The Commissioner,
Tiruchirappalli Corporation,
Thiruchirappalli.
- 4.The Assistant Director,
Town Planning Department,
Tiruchirappalli.



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W.P.(MD)Nos.2184 of 2015 and 23159 of 2022:

D.KRISHNAKUMAR, A.C.J.
and
MOHAMMED SHAFFIQ, J.

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COMMON ORDER MADE IN
W.P.(MD)Nos.2184 of 2015 and 23159 of 2022

06.09.2024