



W.P(MD)No.22746 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.22746 of 2019
and
W.M.P(MD)No.19499 of 2019**

A.Mariathangam

... Petitioner

VS.

1.The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 001.

2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 006.

3.M.Kannan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.09.2019 seeking to take appropriate action against the unauthorized construction done by the third respondent herein and demolish the building in T.S.Nos.268 and 269 within the time stipulated by this Court.



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For Petitioner : Mr.S.Saravanakumar
For Respondent Nos.1 & 2 : Mr.R.Baskaran
Standing Counsel
for M/s.R.B.Law Associates

ORDER

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

Prayer in this Writ Petition is to direct the respondents to consider the petitioner's representation dated 23.09.2019 seeking to take appropriate action against the unauthorized construction made by the third respondent and demolish the building in T.S.Nos.268 and 269 within the time stipulated by this Court.

2.According to the petitioner, pursuant to the Will executed by her mother, she and her brothers and sisters are the owner of the land to an extent of 1800 sq.ft located in New T.S.Nos.268 and 269 and the third respondent is no way connected to the aforesaid property. While so, the third respondent had attempted to encroach the aforesaid property and attempted to put construction over the said property, without obtaining any planning approval from the authority concerned. Hence the petitioner



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submitted a representation dated 23.09.2019 to the respondents 1 and 2.

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 1 and 2, on instructions, submits that if the construction made by the third respondent is found to be an unauthorized construction, the authority concerned will take necessary action for removal of the same in accordance with law.

4.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, we direct the respondents 1 and 2 to consider the representation of the petitioner dated 23.09.2019, and pass appropriate orders on merits and 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. 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 Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 001.
- 2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli – 620 006.



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

ps

ORDER MADE IN
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DATED : 18.03.2024