



W.P(MD)No.22343 of 2021

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.22343 of 2021
and
W.M.P(MD)No.18899 of 2021**

R.Ganesh Kumar,
S/o.P.Ramasamy,
Represented through his Power Agent,
P.Ramasamy

... Petitioner

vs.

- 1.The District Collector,
Trichy District,
Trichy – 01.
- 2.The Commissioner,
Trichy Corporation,
Trichy – 01.
- 3.The Assistant Commissioner,
Ponmalai Division,
Trichy Corporation,
Trichy.
- 4.The Junior Grade Engineer,
Ponmalai Division,
Trichy Corporation,
Trichy.



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WEB CRY 5.Mary Hemalatha

... 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 to 4 to take appropriate action as against the fifth respondent from constructing the house in Plot No.123, 4th Street, Amman Nagar, Kattoor, Trichy, without leaving the space on side set back area to the southern side of the petitioner's property by violating the Tamil Nadu Combined Development and Building Rules, 2019 based on the petitioner's representation dated 31.08.2021.

For Petitioner : Mr.C.Vakeeswaran

For Respondent No.1 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent Nos.2, 3 & 4 : 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 1 to 4 to take appropriate action as against the fifth respondent from constructing the house in Plot No.123, 4th Street, Amman Nagar, Kattoor, Trichy, without leaving the space on side set back area to the southern side of the



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petitioner's property by violating the Tamil Nadu Combined Development and Building Rules, 2019 based on the petitioner's representation dated 31.08.2021.

2.According to the petitioner, he made a representation, dated 31.08.2021 to the respondents 1 to 4 stating that the fifth respondent has constructed the house to the southern of his house property without leaving any side back area and moreover, the fifth respondent has constructed the said house by violating the provisions under the Tamil Nadu Combined Development and Building Rules, 2019. However, the said representation has not been considered. Hence, the petitioner has filed the present Writ Petition.

3.When the matter was taken up for hearing today, the learned Standing Counsel appearing for the respondents 2 to 4 would submit that lock and seal notice was issued to the fifth respondent under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 vide proceedings dated 07.12.2021 and the authority concerned will take necessary action for removal of the unauthorized construction in accordance with law.



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4.Taking into consideration the facts and circumstances of the case, the second respondent is directed to take necessary action for removal of unauthorized construction made by the fifth respondent 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.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



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

ps

ORDER MADE IN
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