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W.P.(MD) No.20088 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.20088 of 2018

and

W.M.P.(MD) Nos.17845 & 17846 of 2018

V.Gopinath

... Petitioner

-vs-

The Member Secretary
Thiruchirapalli Local Planning Authority
Assistant Commissioner
Srirangam Division
Thiruchirappalli Corporation Office
Thiruchirappalli District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order made by the respondent in Na.Ka.No.3365/2013/F1 Sri dated 06.09.2018 and quash the same as illegal and consequently forbear the respondent from taking any coercive action against the petitioner premises



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pending final determination of the retention application preferred by the petitioner dated 04.09.2018 in light of Section 56(3) read with 56(4) of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.P.Mohammed Suhail
for M/s.Ajmal Associates

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The order dated 06.09.2018, passed by the respondent, directing the petitioner to vacate and handover vacant possession of the subject building as it has been constructed contrary to the approved building plan, is under challenge in this writ petition.

2. According to the petitioner, he has already filed a retention application dated 04.09.2018 and when the said application is pending, the respondent has passed the impugned order.



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3. Learned Additional Government Pleader appearing for the respondent, on instructions, submits that the retention application filed by the petitioner dated 04.09.2018 will be considered and appropriate orders will be passed in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

4. In view of the above submission of the learned Additional Government Pleader, the respondent is directed to consider the petitioner's retention application, dated 04.09.2018, and pass orders on merits and in accordance with law, within period of six 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 petitions are closed.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Thiruchirapalli Local Planning Authority,
Assistant Commissioner,
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