



WEB COPY

W.P(MD)No.24728 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.24728 of 2024
and
W.M.P.(MD)No.21037 of 2024

P.G.Prince

.. Petitioner

Vs.

1. The Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

2.The Assistant Commissioner,
Ariyamangalam (Zone-II),
Tiruchirappalli City Corporation,
Tiruchirappalli.

..Respondents/Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the Application dated 03.10.2024 of the petitioner under Section 135 of TNULB Act and direct the respondents not to take any coercive action against the petitioner during the pendency of the said application before the 1st respondent.



For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.R.Baskaran
Standing Counsel
for M/s.R.B.Law Associates

ORDER

[Order of the Court was made by **R.SUBRAMANIAN, J.**]

The petitioner was issued with the notice under Section 56(1) of the Tamilnadu Town and Country Planning Act, 1971, requiring him to remove the unauthorised development made by him and bring the building in conformity with the sanctioned plan. The notice does not however indicate as to what is the deviation.

2. Mr.S.Venkatesh, learned counsel for the petitioner would however submit that the petitioner has sought for regularisation of the deviated portion under Section 135 of the Urban Local Bodies Act, 1998 and the said application is pending with the Corporation. If the unauthorised construction is removed during the pendency of the application under Section 135 of the Act, the petitioner will be put to irreparable loss and hardship. The learned counsel for the petitioner would therefore submit that till such time, his application for regularisation is considered and disposed, the action under the impugned notice may be deferred.



3. We see force in the submission of the learned counsel for the petitioner.

4. The deviation is about only 115 sq. ft. Therefore, it is open to the authorities to regularise the deviated portion under Section 135 of the Act and removal would be an extreme step. Hence, the first respondent, namely, the Commissioner, Tiruchirappallil City Corporation, Tiruchirappalli will consider the application of the petitioner for regularise and pass orders thereon within a period of twelve weeks from the date of receipt of a copy of this order.

5. Till such time, the respondent will defer any precipitative action pursuant to the notice, ie., subject matter of challenge in the writ petition.

6. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (L.V.G., J.)
21.10.2024

NCC : Yes/No
Index : Yes /No
PJJ



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and
L.VICTORIA GOWRI, J.

PJL

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