



WEB COPY

W.P.(MD) No.26415 of 2022

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.26415 of 2022
and
W.M.P.(MD) No.20598 of 2022**

D.Prema

... Petitioner

-vs-

1.The Commissioner
Tiruchirapalli City Municipal Corporation
Tiruchirapalli

2.The Assistant Commissioner
Tiruchirapalli City Municipal Corporation
Ponmalai Zone, Tiruchirapalli

3.K.Sundari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the impugned order dated 11.10.2022 in F1 20 issued by the second respondent under Sections



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296(3) and 447 of Trichirappalli City Municipal Corporation Act, 1994 and quash the same.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.R.Baskaran
for M/s.R.B.Law Associates
Standing Counsel for R1 & R2
Mr.R.Sakthivel for R3

ORDER

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

The order dated 11.10.2022, passed by the second respondent under Sections 296(3) and 447 of Trichirappalli City Municipal Corporation Act, 1994, directing the petitioner to demolish the subject building, is under challenge in this writ petition.

2. According to the petitioner, her elder son started construction of building by demolishing a portion of the old building, which was allotted to him under a partition deed dated 14.10.2010 entered into between the petitioner and her sons. Since the said construction was for a lesser extent, no building plan was required and therefore, the impugned order is liable to be quashed.



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3. Learned Standing Counsel appearing for the respondents 1 and 2, on instructions, submits that the revised plan submitted by the petitioner has been rejected by the authority concerned as early as on 30.01.2023 and therefore, there is no ground to interfere with the impugned order passed by the second respondent.

4. In view of the above submission of the learned Standing Counsel appearing for the respondents 1 and 2, this writ petition is dismissed. The second respondent shall take necessary action for removal of unauthorized construction 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. To be noted, in order to curb the unauthorized constructions, the Government has constituted a High Level Monitoring Committee and issued G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department, dated 01.03.2024. The Monitoring Committee shall monitor the inspection of the unauthorized constructions as per the said Government



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Order. The second respondent shall file an action taken report before the Monitoring Committee for removal of the unauthorized construction.

6. With the above direction, this writ petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

18.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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