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W.P.(MD) No.19207 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

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

W.P.(MD) No.19207 of 2017

M.Shanmugavel

... Petitioner

-vs-

1.The Commissioner
Tiruchirappalli City Corporation
Tiruchirappalli-620 001

2.The Assistant Commissioner
Ko-Abishekarapuram
Tiruchirappalli City Corporation
Tiruchirappalli-620 001

3.G.Mohanasundari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 06.10.2017 seeking to take appropriate action against the unauthorized construction constructed by the third respondent herein in



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29, South Vandikara Street, Urayur, Trichy-620 001, within the time stipulated by this Court.

For Petitioner : Mr.C.Deepak

For Respondents : Mr.Kishore Ram
for M/s.R.B.Associates for R1 & R2
Mr.B.Prasanna Vinoth for R3

ORDER

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

Prayer in this writ petition is to direct the respondents 1 and 2 to consider the petitioner's representation dated 06.10.2017 seeking to take appropriate action as against the unauthorized construction made by the third respondent herein in 29, South Vandikara Street, Urayur, Trichy-620 001, within the time stipulated by this Court.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the third respondent submitted that the third respondent has made a construction only for 400 sq.ft. Hence, no approval is required for such an extent.



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3. We are of the view that the above aspect is to be placed before the authority concerned. Therefore, we direct the third respondent to submit his explanation before the respondent – Corporation, within a period of one week from the date of receipt of a copy of this order. On submitting such explanation, the respondent – Corporation is directed to consider the same and pass orders on merits and in accordance with law, after hearing the parties concerned. It is made clear that if the construction made by the third respondent is found to be unauthorized, necessary action is to be taken for removal of the same in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of submitting the explanation by the third respondent.

4. With the above direction, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

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

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