



W.P.(MD)No.18154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.18154 of 2025

and

W.M.P.(MD)No.13898 of 2025

D.Chandramohan

... Petitioner

Vs.

**The Commissioner,
Trichirappalli Corporation,
Trichy-620 021.**

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the respondent in Ka.V.N:086/CP/21-22/075758 Ka.A.N:F1/749/2022, dated 24.06.2025 and quash the same and consequently, to direct the respondent to consider the revised plan submitted by the petitioner dated 22.04.2024.

For Petitioner : Mr.C.Vakeeswaran



WEB COPY



W.P.(MD)No.18154 of 2025

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

There is no estoppel against the statute. Statutes require prior permission for construction and usage of the buildings. Planning permission was obtained for construction of residential house in the residential locality. The only contention of the petitioner is that he has submitted an application, seeking conversion of the residential building as commercial building and during the pendency of the application, enforcement actions are initiated.

2.The learned counsel appearing for the petitioner would submit that commercial tax has been paid for the usage of the building and therefore, action initiated is contrary to the action of the respondent in accepting the property tax for commercial building.

3.The payment of property tax would not decide the issues relating to the usage of the building. The petitioner has voluntarily paid property tax applicable to commercial building, which would not be a ground to claim that permission has been granted to run commercial establishment. As on today, permission is only to



W.P.(MD)No.18154 of 2025

use the building for residential purposes. However, the petitioner is using the building for commercial purposes, which would undoubtedly cause inconvenience and nuisance to the neighbors and exactly the reason why the legislature thought fit to enact the provisions to ensure that residential localities have not been utilized for commercial purposes. It may create health hazards and may raise various other issues, including safety and security of the residents. Therefore, commercial activities must be done only in commercial locations and necessary permission is mandated under the provisions of the Act.

4.In the present case, the petitioner earlier filed Writ Petition, wherein this Court passed an order, granting liberty to the petitioner to pursue the application submitted, seeking conversion of the residential building as commercial building.

5.Conversion is to be granted by scrupulously following the provisions of the Act and Rules. It cannot be granted in a routine manner. Residential zone is to be maintained only as a residential zone and the authorities competent are not expected to consider such application in a callous manner. They have to apply their mind, considering the mitigating factors and inconvenience and nuisance



W.P.(MD)No.18154 of 2025

causing to the neighboring residents. Therefore, conversion of residential zone as commercial zone cannot be granted in a routine manner. The authorities competent have to apply their mind, conduct inspection and take decision in accordance with law.

6.In the present case, again second and final notice has been issued. Earlier notice was challenged by way of Writ Petition in the year 2024. Thus, again the present Writ Petition is filed with an idea to prolong and protract the enforcement actions, which cannot be encouraged by the Courts. The petitioner instead of confining the building for residential usage, is attempting to continue commercial usage one way or another and through litigious mode, which is to be deprecated.

7.In view of the facts and circumstances, the petitioner has not made out any ground for the purpose of considering this Writ Petition. The authorities competent are bound to proceed with the enforcement action by following the procedures as contemplated under the Act.



W.P.(MD)No.18154 of 2025

WEB COPY

8. With the above observations, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
03.07.2025

NCC : Yes / No

Index : Yes / No

Yuva

To

The Commissioner,
Trichirappalli Corporation,
Trichy-620 021.



WEB COPY



W.P.(MD)No.18154 of 2025

S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

Yuva

W.P.(MD)No.18154 of 2025

03.07.2025