



WP(MD). No.22740 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07/08/2026

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THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**
AND
THE HONOURABLE MR. JUSTICE **R. SAKTHIVEL**

WP(MD). No.22740 of 2026
and
WMP(MD).No.16922 of 2026

M.P.R.Ganesan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Aringnar Anna Maaligai,
Madurai-625 002.

2.The Assistant Commissioner/Zonal Office,
Zone-3, Madurai Corporation,
Madurai.

3.The Town Planning Officer (Zonal Officer),
Zone-3, Madurai Corporation,
Madurai.

4.Lakshmi Kanthan

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records



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relating to the impugned notice served by the third respondent in his proceeding dated 30.07.2026 in Na.Ka.No.M3L1/006604/2022 and quash the same as illegal.

For Petitioner : Mr.Anandhapadmanabhan
Senior Counsel
for Mr.S.Sukumar
For Respondents : Mr.R.Murali
Standing Counsel for R1 to R3

ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

The writ petition has been filed holding out that a notice issued under Section 128(1)(2) of the Tamil Nadu Urban Local Bodies Act, 1998, to the petitioner herein had been issued without jurisdiction and that an earlier show cause notice had not been issued as contemplated under the said provision. However, a perusal of the records shows that the said notice had been issued by the third respondent consequent to a direction issued by the Co-ordinate Division Bench of this Court in W.P.(MD)No.9108 of 2022, by order dated 01.06.2026. That writ petition had been filed by the fourth respondent herein. In that writ petition, the Co-ordinate Division Bench had passed the following order:



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“Heard both sides.

2. The petitioner is a resident of Subramaniapuram. He points out that one temple has recently been constructed in the petition mentioned public road. The Corporation authorities confirmed the petitioner's allegation. If it is a very old temple then we can adopt a different approach. But that does not appear to be the case. It is said to be a recent construction. Construction of a religious structure on a public road is impermissible in law.

3. We direct the fifth respondent to demolish the said temple. The seventh respondent is directed to provide suitable assistance and protection to the Corporation officials to demolish the same. This writ petition stands allowed. No costs.”

2.Since the respondents were under an obligation to comply with the directions issued, the notice now impugned had been issued to the petitioner herein.

3.The learned Senior Counsel for the petitioner contents that the signatory to the impugned order is not an authorised officer to issue a notice under Section 128 (1)(2) of the Tamil Nadu Urban Local Bodies



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Act, 1998. It is contended that it is only the Commissioner who should have issued such an order.

4.The learned Standing Council for the respondents 1 to 3 contends that the respondents 1 to 3 had acted only consequent to the directions issued in the earlier writ petition and it is further contended that it is always open to the petitioner to either challenge the earlier order on the ground that it had been passed without granting an opportunity to the writ petitioner herein or file a revision before the very same Court.

5.We have considered the arguments advanced. We can never sit in appeal over an order passed by the Co-ordinate Division Bench. We can never review it. It is only appropriate that the petitioner again approaches either the same Division Bench and expresses his grievances or files an appeal as against that particular order as a person being aggrieved. The petitioner may, therefore, work out the appropriate remedies. In the meanwhile, we would keep the impugned order in abeyance till **21.08.2026**, by which date, the petitioner may take appropriate steps. It is



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also contended on behalf of the respondents 1 to 3 that the signatory to the order to the notice issued has been so authorised to do so pursuant to further authority given by the Commissioner. That is an issue which would depend on the nature of the records. But, since we direct the petitioner herein to take up the matter further by way of an appeal or approach the very same Division Bench, we are not answering that particular issue today.

6. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) & (R.S.V., J.)
07.08.2026

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NCC : Yes

TO

1. The Commissioner,
Madurai Corporation,
Aringnar Anna Maaligai,
Madurai-625 002.

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**C.V.KARTHIKEYAN, J.
and
R. SAKTHIVEL, J.**

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- 2.The Assistant Commissioner/Zonal Office,
Zone-3, Madurai Corporation,
Madurai.
- 3.The Town Planning Officer (Zonal Officer),
Zone-3, Madurai Corporation,
Madurai.

ORDER
IN
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Date : 07/08/2026