



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.4829 of 2014

T.A.Mariappan

... Petitioner

Vs.

1. The Commissioner,
Madurai City Municipal Corporation,
Madurai.
2. The Assistant Commissioner,
Zone III, Madurai City Municipal Corporation,
Madurai.
- 3.Kala
- 4.P.Jeyalakshmi
- 5.P.Saravanarajan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps to stop the illegal constructions made by the respondents 3 to 5 herein in plots Nos.C 282/29 C 282/30 C 282/31 and C282/32 (Survey No.198) T.A.M. Complex, TNHB colony, Ward No.56, Mela Anupanady, Madurai and to demolish the same in accordance with Sections 272, 274, 284, 296 and 297 of the Madurai City Municipal Corporation Act, 1971.

For Petitioner : Mr.A.Selvendran
For Mr.J.Ashok

For Respondents 1&2 : Mr.R.Murali

For Respondents 3 -5 : Mr.S.Manohar

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The petitioner has come forward with this writ petition seeking for a direction to the respondents 1 and 2 to take necessary steps to stop the alleged illegal constructions made by the respondents 3 to 5 herein in plots Nos.C 282/29, C 282/30, C282/31 and C282/32 (Survey No.198) T.A.M. Complex, TNHB colony, Ward No.56, Mela Anupanady, Madurai and to demolish the same in accordance with Sections 272, 274, 284, 296 and 297 of the Madurai City Municipal Corporation Act, 1971.



2. When the matter came up for hearing, learned counsel for the respondents submits that the relief sought for by the petitioner in this writ petition is premature since O.S.Nos.654 of 2004 and 128 of 2011 are pending on the file of the District Munsif Court, Madurai in relation to the alleged unauthorised construction by the respondents 3 to 5. It is further submitted that the Corporation exercising the power under Section 296 of the Madurai City Municipal Corporation Act, 1971 issued a notice on 05.05.2014 and the same has been replied by the respondents 3 to 5 on 19.05.2014.

3. In view of the above, we find no reason to pass any orders on merits at this stage. However, the respondents 1 and 2 shall take into consideration the reply submitted by the individuals while dealing with the matter in accordance with law.

4. With the above observation, the writ petition stands disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2014 are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner, Madurai City Municipal Corporation,
Madurai.

2. The Assistant Commissioner,
Zone III, Madurai City Municipal Corporation,
Madurai.

+1cc to Mr.J.Ashok, Advocate SR.No.43643

+1cc to Mr.S.Manohar, Advocate SR.No.43716

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sms

NS/18.08.2015 : 2p/5c