



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2016

CORAM :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition (MD) Nos.16727, 16728, 16769 and 16787 of 2015
and
M.P(MD)Nos.2 to 2 of 2015

M.R.Banumathi
S.M.Malliga ... Petitioners 1 & 2 in all W.Ps.
E.J.Amirtha Mani ... 3rd Petitioner in W.P.(MD)Nos.16728
and 16769 of 2015

Vs.

- 1.The Commissioner,
Madurai City Municipal Corporation
Aringar Anna Maligai,
Tallakulam, Madurai 625 020.
- 2.The Executive Engineer (Plan),
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai 625 020.
- 3.The Standing Committee,
Town Planning & Improvement,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai 625 020.
- 4.Local Planning Authority,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai 625 020. ... Respondents in all W.Ps.

Prayer in W.P(MD)No.16727 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order the 2nd Respondent Corporation in Ref. No. No.Mathi/1/25511/15 dated 13.08.2015 and to quash the same as well as directing the Respondents to approve the petitioners building plan for construction of a house in MCTPWZ 3064 15 in RS No.15/3A (Part) situated in Ponmeni Village New



Ellisnagar Extension Madurai Corporation measuring 1149 sq.ft.

Prayer in W.P(MD)No.16728 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order of the 2nd Respondent in Ref.No.Mathi/1/25550/15 dated 13.08.2015 and to quash the same as illegal arbitrary and directing the Respondents to approve our building plan for construction of a house in MCTPWZ 3066) 15 in RS No.15/3A (Part) and 15/3B (Part) situated in Ponmeni Village New Ellisnagar Extension Madurai Corporation measuring 1149 sq.ft.

Prayer in W.P(MD)No.16769 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order of the 2nd respondent in Ref. No.Mathi/1/25509/15 dated 13.08.2015 and to quash the same as illegal arbitrary and directing the Respondents to approve the petitioners building plan for construction of a house in MCTPWZ 3065/15 in RS. No.15/3A (Part) and 15/3B (Part) situated in Ponmeni Village New Ellis Nagar Extension Madurai Corporation measuring 928 sq.ft .

Prayer in W.P(MD)No.16787 of 2015: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order of the 2nd respondent in Ref. No.Mathi/1/25510/15 dated 13.08.2015 and to quash the same as illegal arbitrary and directing the Respondents to approve the petitioners building plan for construction of a house in MCTPWZ 3063/15 in RS. No.15/3A (Part) and 15/3B (Part) situated in Ponmeni Village New Ellis Nagar Extension Madurai Corporation measuring 1141 sq.ft .

For Petitioners : Mr.N.Murugesan
For Respondents : Mr.N.Shanmuga Selvam
(In all W.Ps)

COMMON ORDER

The petitioners had applied for building plan approval which has been rejected by the authority on the ground that the property is situated in a road scheme area. As against the same, they have preferred the appeals to the first respondent/Commissioner, Madurai City Municipal Corporation which are pending.

<https://hcservices.ecourts.gov.in/1cse/> submitted by the learned counsel for the petitioners that the issue involved in these writ petitions is covered by the decision of this Court reported in **2010 (1) CWC 431**



(M. Joseph Rathinasamy Vs. The Commissioner, Madurai City Corporation and others).

3. Following the said judgment, I have also passed an order in W.P.(MD)No.3303 of 2014, dated 26.02.2014, directing the first respondent/Commissioner, Madurai City Corporation to consider the application submitted by the petitioner therein and pass appropriate orders in tune with the above judgment passed by this Court.

4. Learned counsel appearing for the petitioners submitted that similar relief can be granted to the petitioners also.

5. Learned counsel for the first respondent would contend that the first respondent shall pass appropriate orders in accordance with law.

6. In view of the same, the petitioners shall furnish a copy of the application to the first respondent which was originally submitted to the authority concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such applications, the first respondent shall pass appropriate orders on merits and in accordance with law, within a period of two months thereafter.

7. With the above direction, the writ petitions are disposed of. No costs. Consequently, M.P(MD)Nos.2 to 2 of 2015 are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

sms

To,

1. The Commissioner, Madurai City Municipal Corporation
Aringar Anna Maligai, Tallakulam, Madurai 625 020.

2. The Executive Engineer (Plan),
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai 625 020.

3. The Standing Committee, Town Planning & Improvement,
Madurai City Municipal Corporation,
Aringar Anna Maligai, Tallakulam, Madurai 625 020.



4. Local Planning Authority,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai 625 020.

+4CC to Mr. N. Murugesan Advocate Sr.No. 22119 to 21122
+1CC to Mr. N. Shanmuga Selvam Advocate Sr.No. 22380

GJM/GSV/MP/10.5.16-4p-10C

Writ Petition (MD) Nos. 16727, 16728,
16769 and 16787 of 2015
and
M.P (MD) Nos. 2 to 2 of 2015
20.04.2016