



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and
The Hon`ble Mr.Justice G.R.SWAMINATHAN

WP(MD) No.17336 of 2017
and
WMP(MD) No.13880 of 2017

HARVEY NAGAR WELFARE ASSOCIATION,
REP. BY ITS SECRETARY,
JEGAN,
PLOT NO.2, HARVEY NAGAR,
MADURAI - 10.

... PETITIONER

Vs

1 THE MEMBER SECRETARY,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

2 THE COMMISSIONER,
MADURAI MUNICIPAL CORPORATION,
MADURAI.

3 J.ROBERT RAJA

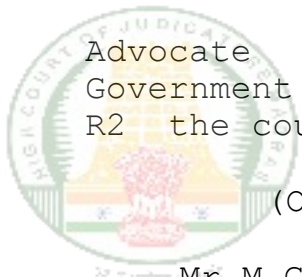
... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of Mandamus, directing the respondents 1 & 2 to take appropriate action against the 3rd respondent for illegal construction of building situated in Ward No.5, Block No.77, T.S.No.10, Old T.S.No.1309/2-1, Plot No.83 at Harvey Nagar, Arasaradi, Madurai pursuant to the order passed by the 1st respondent in his proceedings Na.Ka.No.837/17/MaThe5 dated 21.07.2017 within a time frame fixed by this Hon'ble Court.

Prayer in WMP(MD) . 13880/ 2017 :

To grant an order of Interim Injunction restraining the 3rd respondent from proceeding with the construction of multistory building situated at Ward No.5, Block No.77, T.S.No.10, Old T.S.No.1309/2-1, Plot No.83 at Harvey Nagar, Arasaradi, Madurai, pending disposal of the above writ petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.B.SARAVANAN, Advocate for M/S.N.SATHEESH KUMAR,



Advocate for the petitioner and of M/S.M.GOVINDAN, Special Government Pleader for R1 and M/S.R.PRABHU RAJADURAI, Advocate for R2 the court made the following order:-

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

Mr.M.Govindan, learned Special Government Pleader takes notice on behalf of the first respondent and Mr.R.Prabhu Rajadurai, learned counsel appearing for the second respondent.

2.The Member Secretary, Madurai Local Planning Authority by notice dated 21.07.2017, called upon the third respondent to stop the construction of multi storied building. It is the case of the petitioner that notwithstanding the order dated 21.07.2017 and in violation of the planning permission, by encroaching upon the public property, the third respondent has put up a building.

3.In view of the said contention, let notice be issued to the third respondent returnable by 09 October, 2017. Private notice is also permitted.

4.There shall be an order of interim injunction, in the mean time.

sd/-
14/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE MEMBER SECRETARY,
MADURAI LOCAL PLANNING AUTHORITY,
MADURAI.

2 THE COMMISSIONER,
MADURAI MUNICIPAL CORPORATION,
MADURAI.

+1. C.C. to M/S.N.SATHEESH KUMAR Advocate SR.No.30698

ORDER
IN
WP(MD) No.17336 of 2017 and
WMP(MD) No.13880 of 2017
Date :14/09/2017

MS/CM-MSA/SAR.4/03.10.2017/2P.4C