

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 07.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.8646 of 2011**

K.Pitchai ... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. George Benny ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to demolish the illegal construction put up by the second respondent in the vacant site left open as common in between the petitioner Plot No.T10 and second respondent Plot No.T11 measuring North South about 81.6 feet on East and East West about 8 feet twin house type, Ellis Nagar, Tamil Nadu Housing Board, Madurai.

For Petitioner : Mr.P.T.S.Narendravasan
For Respondents : Mr.T.S.Md.Mohideen, AGP for R1
No appearance for R2

O R D E R**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The writ petitioner seeks a direction for demolishing the illegal construction stated to have been put up by the second respondent herein in the vacant site left open as common pathway in Plot No.T10 and Plot No.11 measuring North South about 81.6 feet on East and East West about 8 feet twin house type, Ellis Nagar, Tamil Nadu Housing Board, Madurai.

2.It appears that the second respondent herein is a subsequent purchaser from the original allottee. The writ petitioner submitted a representation dated 24.06.2011 to the authorities. The first respondent Corporation is also seized of the matter from as early as on 27.05.2011. The first respondent has issued notice to the second respondent herein for removal of the offending construction. But no action was taken. Therefore the present writ



petition came to be filed.

3. This writ petition is disposed of with a direction to the authorities to take follow up action pursuant to the earlier notice dated 27.05.2011. The first respondent shall issue notice to the second respondent to enable him to show cause and remove the offending construction, if cause is not shown within a period of three months from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate, SR No. 71071

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate, SR No. 70918.

SKM/ARUL

PSM/JC/SAR3/28.08.2017/2P/4C

W.P(MD) No. 8646 of 2011

07.08.2017