



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.492 of 2018

and

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S.Sheik Ahmed

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.Antony

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to take proper action against the second respondent for illegally encroaching the Baptist Church 1st Sreet, New Ellis Nagar, Ward 17, Zone 1, Madurai.

For Petitioner : Mr.Srinivasan

For Respondents : Mr.N.Shanmugaselvam
Standing Counsel for R.1

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims to be the owner of the property admeasuring to an extent of 2078 sq.ft comprised in T.S.No.1583/2B, situated in Ward No.17, Zone 1 of the Madurai City Municipal Corporation and he is said to have purchased the said property through a registered sale deed bearing Document No.198 of 2003, dated 29.01.2003. The petitioner would further aver that after obtaining planning permission vide proceedings in No.6432 / 2003, dated 19.02.2003, has also put up a superstructure strictly in accordance with the sanctioned plan and building permit and the said superstructure is also subjected to statutory livelihood.



3. The grievance expressed by the petitioner is that the second respondent started to put up a construction to the right of Baptist Church 1st Street and thereby preventing ingress and egress of the petitioner's property and also to the nearby residents and in this regard, the petitioner who is a resident of Chennai, through his brother-in-law, submitted a representation, dated 26.12.2017 to the Assistant Commissioner, West zone of Madurai City Municipal Corporation, praying for appropriate action. Though it was received and acknowledged on 27.12.2017, no action has been taken to prevent the said nuisance being caused by the second respondent and hence, came forward to file the present writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and the learned standing counsel appearing for the first respondent.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent or the delegated official, to put the petitioner and the second respondent on notice and thereafter cause inspection of Baptist Church, 1st Street and depending upon the result of the same, shall take appropriate action in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the second respondent.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Madurai Corporation, Madurai.

+One cc to Mr.A.Srinivasan, Advocate, SR.No.41603

+One cc to Mr.N.Shanmuga Selvam, Advocate, SR.No.41432

MR/ssl

RL/4C/2P/KKR/SAR1/29/1/2018

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