



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.19070 of 2017
and
W.M.P. (MD) No.15419 of 2017

P.Gandhiraja

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.Selvakumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to take action against the illegal construction made by the second respondent at plot No.34, Ward No.25, V.K. Samy Nagar, Meenakshi Amman Nagar Extension, K.Pudur, Madurai.

For Petitioner : Mr.A.Srinivasan

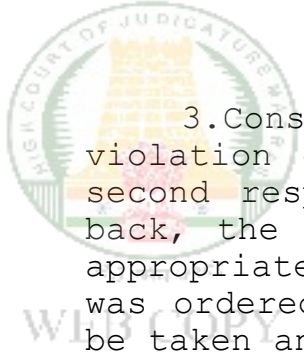
For Respondent No.1 : Mr.R.Murali
Standing counsel for Corporation

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.A.Srinivasan, learned counsel appearing for the petitioner and Mr.R.Murali, learned Standing Counsel appearing for the first respondent.

2.The petitioner has filed this writ petition to take action against the illegal construction put up by the second respondent. Admittedly, the second respondent has not obtained any building plan approval for putting up the Kalyana Mandapam, but, only for a commercial building that too for a different type of construction. What has been constructed is evident from the photograph filed in the typed set of paper. The respondent Corporation issued a notice dated 04.01.2018. Thereafter, no further action was initiated.



3.Considering the fact that the entire building is in total violation of the so called building plan approval granted to the second respondent and there is a change of use with no side set back, the first respondent Corporation has to be directed to take appropriate action. When the writ petition was entertained, notice was ordered on 12.10.2017 and private notice was also permitted to be taken and subsequently, when the matter was called on 27.10.2017, since notice was not served on the second respondent, the matter was adjourned. Today when the matter was heard, we find that the second respondent has been served and his name is printed in the cause list. He has chosen not to appear either through counsel or in person.

4.Considering the undisputed facts as mentioned before us, we direct the first respondent to forthwith lock and seal the building put up by the second respondent. After sealing the building, the first respondent shall proceed under relevant statute. If it is found that the construction is an illegal construction, demolition shall be ordered.

5.With the above direction, the writ petition stands disposed of. No Costs. Consequently, W.M.P. (MD) No.15419 of 2018 are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Madurai Corporation,
Madurai.

+1CC TO M/S.R.MURALI, ADVOCATE, SR NO.58114
+1CC TO M/S.A.SRINIVASAN, ADVOCATE, SR NO.58184

Writ Petition (MD).No.19070 of 2017
26.03.2018

Mrn

MS/SV-MMS/SAR-4/25.04.2018/2P.4C