



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
AND

THE HONOURABLE MRS. JUSTICE R.THARANI

Writ Petition (MD)No.22434 of 2018
and W.M.P.(MD).No.20303 of 2018

Ayyappan Nagar Housing Welfare Association
through its President

A.V.Karunamoorthy

.. Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Commissioner
Madurai Corporation
Madurai.

3.Sathish Kanna

4.Malathi

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 1st and 2nd respondent to remove the encroachment made in channel and to remove unauthorized construction made by the 3rd and 4th respondents in plot no.146 and 147 to an extent of 6720 sq.ft in Resurvey no.360/2B and UDR survey no.49/2 at Sri Ayyappan Nagar, Iyerbunglow, Madurai-14 within a stipulated time fixed by this Honourable Court as per provision contemplated under Sections 258 and 283 of Madurai City Municipal Corporation Act, 1971.

For Petitioner

: Mr.J.Jeyakumaran

For Respondents

:Mr.VR.Shanmuganathan

Special Govt. Pleader for R-1

Mr.R.Murali for R-2

Mr.M.Siddharthan for RR-3 & 4

ORDER

[Order of the Court was made by **K.KALYANASUNDARAM, J**]

Heard Mr.J.Jeyakumaran, learned Counsel for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader for the first respondent, Mr.R.Murali, learned Standing counsel for the second respondent and Mr.Siddharthan, learned counsel for the respondents 3 and 4 and



perused the materials available on record.

2.The prayer in the writ petition is to issue Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made in channel and to remove unauthorized construction made by the respondents 3 and 4 in plot no.146 and 147 to an extent of 6720 sq.ft in Resurvey No.360/2B and UDR survey No.49/2 at Sri Ayyappan Nagar, Iyerbunglow, Madurai-14 within a stipulated time.

3.The learned standing counsel for the second respondent would state that there is no encroachment made by the respondents 3 and 4, as alleged by the petitioner.

4.The learned counsel for the private respondents would state that construction is put up in accordance with the approved plan.

5.On the other hand, learned counsel for the petitioner would state that there is a violation of the building plan.

6.In the light of the limited scope of prayer sought for in the writ petition and the submissions of the learned counsels on either side, this Court, without going into the merits of the matter, directs the second respondent to take appropriate action on the basis of the representation of the petitioner, dated 11.09.2018, on merits and in accordance with law, after providing opportunity to all the necessary parties.

7.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Commissioner
Madurai Corporation
Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-55553[F] dated 21/03/2019)

<https://hcservices.ecourts.gov.in/hcservices/>

+1 CC to M/s.SPL GP (SR-55642[F] dated 21/03/2019)



+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-55749[F] dated 21/03/2019)

+1 CC to M/s.M.SIDDHARTHAN, Advocate (SR-55901[F] dated 22/03/2019)

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Writ Petition (MD)No.22434 of 2018
and W.M.P.(MD).No.20303 of 2018

vs

KK/SAR-/26.03.2019/3P-7C

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