



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1526 of 2020

and

W.M.P. (MD) Nos.1232 & 1233 of 2020

1) B.Samundeeswari

2) M.Jeya

... Petitioners

Vs.

1) The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai 625 010

2) The Assistant Commissioner,
Madurai Corporation,
Zone 1, Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.No.k1v9/6950/2017 dated 09.09.2019 on the file of the 2nd respondent and quash the same as illegal and direct the 1st respondent to approve petitioner's building plan, as the Town Planning and Development Standing Committee approved in Approval number 26/5 dated 23.12.2005.

For Petitioner : Mr.C.M.Arumugam

For RR 1 & 2 : Mr.T.S.Mohamed Mohideen,
Standing Counsel

O R D E R

The Writ Petition has been filed seeking to call for the records pertaining to the impugned proceedings in Na.Ka.No.k1v9/6950/2017 dated 09.09.2019 on the file of the 2nd respondent and quash the same as illegal and subsequently, to direct the 1st respondent to approve the petitioner's building plan, as the Town Planning and Development Standing Committee approved in Approval number 26/5 dated 23.12.2005.



2. Against the order impugned herein, which is passed by the second respondent/Assistant Commissioner, Zone-1, Madurai Corporation, it is stated that there is an appeal under Section 128 of Madurai City Municipal Corporation Act, 1971. The said Appeal should be filed within 30 days from the date of the order and an appeal shall be entertained only on payment of the entire amount of tax decided.

3. Admittedly, the building permit was approved by the Committee and is pending before the first respondent/Commissioner, Madurai Corporation. Even though the building permit was pending for the orders of the Commissioner, the impugned order of levy has been made.

4. Without going into the merits of the case, the petitioner is directed to go for an Appeal, as contemplated under the Act subject to payment of 25% of the amount levied as a condition precedent. The petitioner is directed to present the appeal within a period of one week from the date of receipt of a copy of this order.

5. In view of the above, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1) The Commissioner,
Madurai Corporation,
Tallakulam, Madurai 625 010

2) The Assistant Commissioner,
Madurai Corporation, Zone 1, Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-3228[F] dated 27/01/2020)
+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-3323[F] dated
28/01/2020)

Order made in

W.P(MD)No.1526 of 2020

Dated: **27.01.2020**

JMN(18.02.2020) 2P : 5C

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