



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14239 of 2020

M.Jeyaprakash

.. Petitioner

Vs.

The Commissioner of Corporation,
Madurai Corporation,
Madurai.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 29.09.2020 and to direct the respondent to grant permission for the maintenance and alteration work in the petitioner's house situated at Plot No.8, Post Office Street, Subaiah Colony, Managiri, Madurai District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.R.Murali
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 29.09.2020 and to direct the respondent to grant permission for the maintenance and alteration work in the petitioner's house, situated at Plot No.8, Post Office Street, Subaiah Colony, Managiri, Madurai District.

2.Heard Mr.M.R.Sreenivasan, learned counsel appearing for the petitioner. Mr.R.Murali, learned Standing Counsel accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

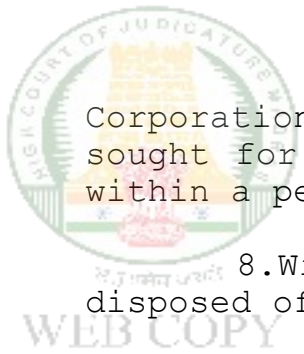


4.It is the contention of the petitioner that he is the absolute owner of the aforementioned property. It is also his contention that he is doing maintenance and alteration work in the aforementioned property. According to him, at the instance of a neighbour, who has lodged a complaint with the respondent Corporation, the Corporation issued a show cause notice, dated 01.09.2020 to the petitioner, calling upon him as to why the work should not be stopped. According to the petitioner, he has also sent a reply dated 29.09.2020, to the said show cause notice dated 01.09.2020. It is also further contended that he has also given a representation to the respondent on 29.09.2020, seeking permission of the respondent to carry out the maintenance and alteration work in his property. According to the petitioner, the said representation has not been considered till date. In such circumstances, this writ petition has been filed.

5.The learned Standing counsel for the respondent corporation would submit that there is a prescribed format available under the Madurai City Municipal Corporation Act, 1971 and its Rules to apply for permission for construction or reconstruction of a building. In this context, he also referred to Section 272 of the Madurai City Municipal Corporation Act, 1971. According to him, unless and until the petitioner submits an application as per the prescribed format stipulated under the Madurai City Municipal Corporation Act, 1971 and its Rules, it will not be possible for the respondent to consider the request of the petitioner on merits and in accordance with law.

6.No useful purpose will be served, if final order is passed in the show cause notice issued by the respondent on 01.09.2020. The petitioner's main grievance is that he has been unable to complete the maintenance and alteration work in his property, in view of the show cause notice issued by the respondent, calling upon him to stop the maintenance and alteration work in his property. Unless and until, an application as prescribed under the Madurai City Municipal Corporation Act, 1971 and its Rules, seeking permission of the respondent Corporation, for doing maintenance and alteration work in his property is submitted, the relief sought for by the petitioner in his representation dated 29.09.2020, to the respondent cannot be granted. In the case on hand admittedly, the petitioner has not filed the application under the prescribed format.

7.For the forgoing reasons, this Court directs the petitioner to submit an application as per the prescribed format stipulated under the Madurai City Municipal Corporation Act, 1971 and its Rules, seeking permission of the respondent Corporation for doing maintenance and alteration work in the petitioner's house situated at Plot No.8, Post Office Street, Subaiah Colony, Managiri, Madurai District, within a period of one week from the date of receipt of a copy of the order. On receipt of the same, the respondent



Corporation shall pass final orders with regard to the permission sought for by the petitioner on merits and in accordance with law, within a period of two weeks thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner of Corporation,
Madurai Corporation,
Madurai.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-19968[F] dated 14/10/2020)

+1 CC to M/s.R. MURALI, Advocate (SR-20004[F] dated 14/10/2020)

**W.P (MD) .No.14239 of 2020
13.10.2020**

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SDS (16.10.2020) 3P-4C