



WEB COPY

W.P.(MD)No.16796 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2020

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.16796 of 2020

and

W.M.P. (MD)Nos.14030 and 14033 of 2020

A.Yogakumar Corera

... Petitioner

Vs.

1.The Commissioner,
Tuticorin Corporation,
Tuticorin.

2.A.Dhanaraj

3.Basilica

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the second and third respondents from proceedings with the illegal construction without due approval from the first respondent and direct the first respondent to initiate appropriate legal action against the second and third respondents for the unauthorized construction of 3 storied building comprised in building bearing Ward No.32, South Raja Street, Town Survey Ward No.7, Block No.5, Town Survey No.224/1, Door No.120, within the registration of Tuticorin and sub-Registration District of Tuticorin, Kelur.

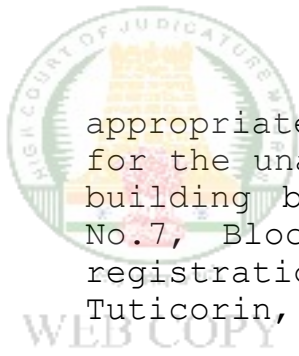
For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.Shaji Bino
for R.1
: Mr.N.Dilip Kumar
for R.2 and R.3

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to forbear the second and third respondents from proceeding with the illegal construction without due approval from the first respondent and direct the first respondent to initiate



appropriate legal action against the second and third respondents for the unauthorized construction of 3 storied building comprised in building bearing Ward No.32, South Raja Street, Town Survey Ward No.7, Block No.5, Town Survey No.224/1, Door No.120, within the registration of Tuticorin and Sub-Registration District of Tuticorin, Kelur.

2. When the matter is called today, Mr.Shaji Bino, learned Counsel appearing for the first respondent, would submit that without any approval plan, the respondents 2 and 3 are proceeding with the constructions. In this regard, a stop work notice has been given on 25.09.2020 and in spite of that, the private respondents are proceeding with the construction.

3. In case of construction activities are being carried out after the service of stop work notice, action is required to be taken by the Authorities. When it is pointed out in the morning, Mr.Shaji Bino, learned Counsel appearing for the first respondent would submit that the Authorities would take appropriate action and he will inform this Court at 02.15.p.m.

4. When the matter is called at 02.15 p.m., learned Counsel appearing for the petitioner and the learned Counsel appearing for the first respondent would submit that now lock and seal notice has been served and the building has been locked.

5. Mr.N.Dilip Kumar, learned Counsel takes notice for the respondents 2 and 3 and would submit that there is a civil dispute between the petitioner and the private respondents and without waiting for the result of the civil proceedings, the petitioner has approached this Court by filing this Writ Petition.

6. In any event, even though there is a civil dispute between the petitioner and the private respondents, the respondents 2 and 3 should not have ventured to put up a new construction without any plan approval. Therefore, the first respondent has rightly taken the action and locked the building and this Court is convinced with the action taken by the first respondent. In view of that, no further order is required to be passed in this writ petition.

7. *De hors* the above orders, it is always open to the respondents 2 and 3 to work out their remedy before the appropriate Forum.

8. It is also pointed out by the learned Counsel appearing for the respondents 2 and 3 that the petitioner also violated the law and put up a construction and therefore, the first respondent is directed to verify, as to whether the petitioner's construction is according to law and if it is in violation of law, statute and rules and regulations, the first respondent shall take appropriate action



against the petitioner also.

9. With the above directions, the Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

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Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Tuticorin Corporation,
Tuticorin.

+1 CC to M/s.S.KADARKARAI, Advocate (SR-24195[F] dated 07/12/2020)

W.P. (MD) No.16796 of 2020
04.12.2020

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TR(21.12.2020) 3P 3C