



WEB COPY

W.P.(MD)No.2451 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2451 of 2021

and

W.M.P.(MD)No.2039 of 2021

Padma

... Petitioner

-Vs-

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.

2.The Member Secretary,
Local Planning Authority,
Madurai.

3.The District Collector,
Madurai District,
Madurai.

4.Karthika

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take appropriate action against the fourth respondent in order to prevent the demolition of the super structure of the building situated at Re-survey No.92/2, Avaniyapuram Village, Madurai South Taluk, Madurai District without obtaining statutory permissions as required under the provisions of the Madurai District Municipality Act, 1971 and further directing the respondents 1 to 3 to take action against the fourth respondent for the illegal attempt to demolish the building without necessary permission, on the basis of the representation of the petitioner dated 01.02.2021 .

For Petitioner: Mr.B.Saravanan

For R1 & R3 : Mr.V.Anand
Government Advocate

For R2 : Mr.R.Murali

ORDER

Heard the learned counsel appearing for the petitioner.



2.The petitioner appears to be the co-owner of the property in question. According to the petitioner, the fourth respondent is attempting to damage a portion of the building. The petitioner's counsel would point that such a demolition work cannot be carried out without getting permission from the Corporation authorities. He would invoke Section 286 of the Madurai City Municipal Corporation Act, 1971, in this regard.

3.Though there is considerable force in the petitioner's counsel's contention, since the dispute is a purely private, I am of the view that the invocation of the writ jurisdiction is not warranted. The petitioner has to necessarily move the jurisdictional Civil Court for appropriate relief. Of-course, it is also open to the petitioner herein to pursue her relief based on the representation submitted before the authorities. If the petitioner files any civil suit pursuant to the order now given by this Court, the jurisdictional Civil Court will number the plaint immediately and also take up the application for interim relief on emergent basis. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open.

4.With this liberty and direction to the jurisdictional civil Court, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Admin-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.



2.The District Collector,
Madurai District,
Madurai.

W.P. (MD)No.2451 of 2021

10.02.2021

WEB COPY

KG (CO)

NR (10/02/2021) 3P : 3C