



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Writ Petition (MD).No.9103 of 2021

and

W.M.P. (MD).Nos.6861 to 6862 of 2021

Alamelu Nagar Residential Welfare Association,
Through its Secretary,
K.Subbiah,
Office at Door No.17, Kabilar Street,
Alamelu Nagar, S.Alangulam,
Anaiyur Post, Madurai- 625 017. ... Petitioner
Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Corporation of Madurai,
Represented through its Commissioner,
Arignar Anna Maligai,
Madurai - 625 002.
- 3.Madurai Local Planning Authority,
Represented by its Member Secretary,
Corporation Building Complex, III Floor,
Arignar Anna Maligai,
Madurai - 625 002.

- 4.S.Ramya
- 5.R.Thenammal
- 6.R.Sasikumar ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the un-authorized construction of the Marriage Hall by the respondents 4 to 6 situated in Plot No.72 and 73 comprised in S.No.178/8, 178/9, 85/8, 85/9 in Thiruvalluvar Street, Alamelu Nagar, S.Alangulam, Madurai without fulfilling the conditions laid down for a Public Building and without getting Building Plan approval.

For Petitioner	: Mr.M.Gnanagunathan
For R1 & R3	: Mr.R.Baskaran
	Standing counsel for Government
For R2	: Mr.R.Murali
For R4 to R6	: Mr.S.Palaniveluyutham



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.M.Gnanagunathan, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned counsel appearing for the respondents 1 and 3, Mr.R.Murali, learned counsel appearing for the second respondent and Mr.S.Palaniveluyutham, learned counsel appearing for the fourth respondent.

2. This Writ Petition has been filed by the petitioner to direct the respondents 1 to 3 to take action on the unauthorised construction of the marriage hall by the respondents 4 to 6.

3. The learned counsel appearing for the respondents 4 to 6 submitted that they have no intention of putting up marriage hall and they have purchased the property along with a shed, which has already been in existence.

4. The learned counsel appearing for the petitioner submitted that the said submission is not fully correct, as the construction activity was going on, when the Writ Petition was filed and the photographs have been produced.

5. The learned counsel appearing for the second respondent on instructions, would submit that on verification, it has been found that the respondents 4 to 6 have not encroached the road margin and so far as the construction is concerned, there is no planning permission granted and notice has been issued by the Corporation. Since the respondents 4 to 6 have stated on oath that no marriage hall will be constructed by them, the said submission is placed on record and the respondents 4 to 6 are perpetually injuncted from putting up any marriage hall in the said premises. So far as the existing superstructure is concerned, the respondents 4 to 6 shall give a reply to the notice issued by the Corporation and after receiving the reply, the second respondent is directed to pass orders on merits and in accordance with law.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (CS-II)

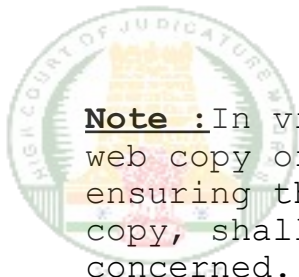
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/ /2021

Sub Assistant Registrar(CS)

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+1 CC to M/s.K.SAMIDURAI, Advocate (SR-21634[F] dated 08/07/2021)
+1 CC to M/s.R.MURALI, Advocate (SR-21623[F] dated 08/07/2021)

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LS (CO)

LR (16.07.2021) 3P 5C