



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.9868 of 2021

N.Nainar Hameed

.. Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Outpost, Tallakulam,
Madurai - 625 002.

2.The Assistant Commissioner,
Madurai Corporation,
Taluk Office No.2,
Race Course Road,
Madurai - 625 002.

3.The Director,
Director of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai - 600 107.

4.The Member/Secretary,
Madurai Local Planning Authority,
Madurai Corporation Building,
3rd Floor, Aringar Anna Maligai,
Tallakulam, Madurai - 625 002.

... Respondents

(R3 and R4 are impleaded vide Court order,
dated 11.06.2021 in WMP(MD)No.7765 of 2021)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents to take appropriate action based on the petitioner's representation dated 15.02.2021 within a time frame.



For Petitioner

: Mr.A.Thirumurthy

For respondents

: Mr.R.Murali for R1 & R2

Mr.R.Baskaran,
Standing Counsel for Government
for R3 & R4

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ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

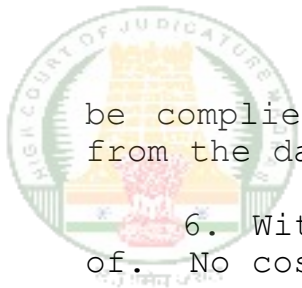
The petitioner has filed this Writ Petition for issuance of Writ of Mandamus to consider his representation dated 15.02.202, within a time frame.

2. On an earlier hearing, we find that no useful purpose would be served by directing the respondents 1 and 2 to consider the representation, as neither the first respondent nor the second respondent has got any power to regularize unauthorized constructions. Therefore, the petitioner impleaded the respondents 3 and 4 and has now submitted an application/representation dated 09.06.2021, requesting that the additional construction put up by the petitioner in the second floor of the building by constructing three rooms for his personal use may be considered and regularization may be granted.

3. It appears that in the said area, in all houses, such additional constructions have been made by the owners of the first floor on the Terrace of the second floor and the owners of the apartment in the ground floor have constructed either behind the house or in front of the house. In any event, if there is any illegality committed by the third party, that cannot be a reason to say that the petitioner alone has been discriminated.

4. In an earlier Writ Petition filed before this Court by the petitioner along with two others in WP(MD)Nos.22891 to 22893 of 2021, a direction was issued to inspect the property and specifically observed that the inspection should not be confined to the petitioner's property alone, but, also other flats in the area to ascertain the facts and take appropriate action.

5. It appears that the respondents 1 and 2 have not done anything in this regard for complying with the direction. In any event, so far as, the petitioner is concerned, representation is given for regularization. The same has been submitted through proper channel to the fourth respondent. Therefore, we direct the fourth respondent to consider the representation and if any additional particulars are required, the same may be called for and if inspection is required, it may be ordered and appropriate proposal be submitted to the third respondent. The above directions



be complied by the fourth respondent within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mbi

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,
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Madurai Local Planning Authority,
Madurai Corporation Building,
3rd Floor, Aringar Anna Maligai,
Tallakulam, Madurai - 625 002.

+1 CC to M/s.R.MURALI, Advocate (SR-20085[F] dated 24/06/2021)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-20264[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20185[F] dated 24/06/2021)

W.P. (MD) No.9868 of 2021
23.06.2021

SR(CO)

TR(05.07.2021) 3P 8C