



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.12270 of 2020

and

W.M.P. (MD) No.10529 of 2020

M.Solaikannan @ Kannan

: Petitioner

Vs.

- 1.The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
- 2.The Secretary,
Housing and Urban Development Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.
- 3.The Secretary,
Highways Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.
- 4.The Director of Town & Country Planning,
O/o.Director of Town & Country Planning,
No.807, Anna Salai,
Chennai - 2.
- 5.The District Collector,
Madurai District,
Madurai.
- 6.The Commissioner,
Madurai Corporation,
Madurai.



7.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Madurai - 625 002.

8.The Executive Engineer,
Villapuram Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai.

9.The Executive Engineer,
PWD Office,
Gokale Road,
Tallakulam,
Madurai - 625 002.

10.The Deputy Director,
Fire and Rescue Services,
Fire Safety Officer,
Southern Region,
Madurai - 625 020.

11.The District Officer,
Fire and Rescue Services,
Madurai Division,
Southern Region,
Madurai - 625 020.

12.A.K.Ahamed & Co.,
Rep. by its proprietor
Mrs.Kairunnisha

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 11 to remove the encroachment made by the 12th respondent in National Highway No.32, S.No.1/1, Block No.8, 9, 10, Villapuram TNHB Colony, Madurai District, in the light of the petitioner's representation dated 12.03.2020.

For Petitioner : Ms.N.Thuja
for Mr.K.Neelamegam

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader
for RR.1 to 5, & 7 to 11

Mr.M.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates for R.12



ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Heard the learned Counsel appearing for the respective parties.

2. The petitioner raises two issues before us. One is with respect to the alleged encroachment said to have been made by the private respondent, namely, twelfth respondent and the other is the violation of the building plan.

3. Insofar as the alleged encroachment is concerned, we are inclined to direct the Divisional Engineer to look into the same. Accordingly, the seventh respondent is directed to look into the representation of the petitioner dated 12.03.2020 and pass appropriate orders, after due notice to the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

4. Insofar as the building plan violation is concerned, the learned Senior Counsel appearing for the twelfth respondent submitted that a revised plan has been submitted, but it was returned. The process of re-representation is on and till such time the plan is approved, no further construction would be made. The aforesaid submission made by the learned Senior Counsel stands recorded. Accordingly, we permit the twelfth respondent to submit a revised plan within a period of four weeks from the date of receipt of a copy of this order and thereafter, the sixth respondent Corporation shall pass appropriate orders on the same, within a further period of eight weeks.

5. The building in question is stated to be not in use, as per the submission of the learned Senior Counsel appearing for the twelfth respondent. Therefore, the same can be used, only after getting appropriate approval from the respondents 6, 10 & 11.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk



To

1.The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
St.George Fort,
Chennai - 600 009.

2.The Secretary,
Housing and Urban Development Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.

3.The Secretary,
Highways Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.

4.The Director of Town & Country Planning,
O/o.Director of Town & Country Planning,
No.807, Anna Salai,
Chennai - 2.

5.The District Collector,
Madurai District,
Madurai.

6.The Commissioner,
Madurai Corporation,
Madurai.

7.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Madurai - 625 002.

8.The Executive Engineer,
Villapuram Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

9.The Executive Engineer,
PWD Office,
Gokale Road,
Tallakulam,

<https://hcservices.ecourts.gov.in/hcse6125/>
Madurai - 625 002.



10.The Deputy Director,
Fire and Rescue Services,
Fire Safety Officer,
Southern Region,
Madurai - 625 020.

11.The District Officer,
Fire and Rescue Services,
Madurai Division,
Southern Region,
Madurai - 625 020.

+1 CC to M/s.K.NEELAMEGAM, Advocate (SR-14204[F] dated 29/03/2021)

+1 CC to M/s.SPL GP (SR-14394[F] dated 30/03/2021)

W.P. (MD) No.12270 of 2020
29.03.2021

RK (22.04.2021) 5P 14C