



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.17215 of 2020

and W.M.P. (MD) No.6127 of 2021

WEB COPY

Chellaveerammal

... Petitioner

Vs.

1.The Commissioner of Corporation,
Madurai Corporation, Madurai.

2.The Assistant Commissioner of Police,
Madurai Corporation,
West Zone Office, T.B. Road, Madurai.

3.The Assistant Engineer,
Madurai Corporation,
Ward 13, New Jail Road, Madurai.

4.B.Yasothai Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to consider petitioner's representation dated 10.11.2020, given for initiating action against the 4th respondent for illegal constructions without obtaining building plan approval and to pass appropriate orders within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Gandhi

For Respondent Nos.1 to 3 : Mr.T.S.Mohammed Mohideen
Standing Counsel

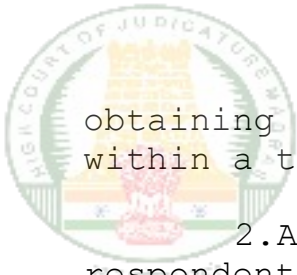
For Respondent No.4 : Mr.A.Haja Mohideen

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ORDER

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

The writ petition has been filed, seeking for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3 to consider petitioner's representation dated 10.11.2020, given for initiating action against the 4th respondent for illegal constructions without



obtaining building plan approval and to pass appropriate orders within a time frame.

2. Admittedly, the construction put up by the fourth respondent is an un-authorised and illegal construction. Though stop work notice was issued, the fourth respondent merrily proceeded with the construction, even after lock and seal notice was issued. This Court having been convinced that it is an illegal construction granted an order of interim injunction, even without any application for granting injunction.

3. Mr. A. Haja Mohideen, learned counsel for the fourth respondent submitted that the fourth respondent has filed an application for building plan approval on 07.04.2021. The said application is not maintainable, because the application for building plan approval has to be given prior to the construction and the construction can be commenced only after approval. Even as per the application, the fourth respondent can construct only Ground Floor + First Floor, but he has constructed more than that.

4. Therefore, only two options are available to the fourth respondent. First one is to demolish the offending constructions and submit a building plan approval application to the respondent Corporation within four weeks from today, which shall be considered by the respondent Corporation. The second option is, if the fourth respondent fails to do so, then the respondent Corporation shall demolish the illegal construction.

5. The Writ Petition is disposed of with the above direction and observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: (i) 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 of Corporation,
Madurai Corporation, Madurai.

2.The Assistant Commissioner of Police,
Madurai Corporation,
West Zone Office, T.B. Road, Madurai.

3.The Assistant Engineer,
Madurai Corporation,
Ward 13, New Jail Road, Madurai.

+1 CC to M/s.R.GANDHI, Advocate (SR-17099[F]
dated 22/04/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate
(SR-17248[F] dated 23/04/2021)

W.P. (MD)No.17215 of 2020
21.04.2021

na (CO)

TR(23.04.2021) 3P 6C