



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.P. (MD)Nos.9551 and 16286 of 2018

and

W.M.P. (MD)Nos.8785 of 2018 & 4297 of 2021 in W.P. (MD)No.9551 of 2018

and

W.M.P. (MD)Nos.14489 & 14490 of 2018 in W.P. (MD)No.16286 of 2018

W.P. (MD)No.9551 of 2018:-

S.Pothiraj

... Petitioner

Vs.

1.The Assistant Director,
Town and Country Planning,
4, Hakkim Ajmalkhan Road,
Chinnachockikulam,
Madurai - 625 002.

2.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi, Virudhunagar District.

3.S.Vijayalakshmi ... Respondents

[3rd respondent is impleaded vide order dated
09.07.2018, made in W.M.P. (MD)No.10993/2018]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent Municipality to remove the lock and seal clamped in Door Nos.90-A to 90-I, Ward - C, Block - 7, Gnanagiri Road, Sivakasi, Virudhunagar District, pending application for regularisation in Reference ID No.JHMP5595180406 and Receipt No.DTCP/Reg-113C/15/2017.

For Petitioner : Mr.R.V.Rajkumar

For R1 : Mr.K.P.Krishnadoss
Special Government Pleader

For R2 : Mr.J.Senthil Kumariah
Standing Counsel

For R3 : Mr.S.M.Ananthamurugan



W.P. (MD) No.16286 of 2018:-

S.Vijayalakshmi

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
Opposite to LIC, Chengalvarayan Buildings,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.

2.The Assistant Director,
Town and Country Planning,
Madurai Region,
4, Hakkim Ajmalkhan Road,
Chinnachockikulam,
Madurai - 625 002.

3.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi,
Virudhunagar District.

4.Pothiraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the respondents 3 and 2 in Na.Ka.No.3193/2012/F1, dated 08.11.2017 and Na.Ka.No.2631/2017/MM4, signed on 08.12.2017, quash the same and consequently, direct the respondents 1 to 3 to pass appropriate orders by considering the petitioner's representation dated 21.04.2018, for demolishing the unauthorized commercial building constructed by the fourth respondent at T.S.No.111, D.No.90-A, Ward - C, Gnanagiri Road, Sivakasi, Virudhunagar District, within a stipulated period as fixed by this Court.

For Petitioner : Mr.S.M.Anantha Murugan

For R1 and R2 : Mr.R.Velmurugan

For R3 : Mr.J.Senthil Kumariah
Standing Counsel

For R4 : Mr.R.V.Rajkumar

* * * * *



COMMON ORDER

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

Pursuant to the order of the Court, the building was sealed. Thereafter, an order was passed by respondent No.1 on the regularisation application filed by the petitioner in W.P.(MD) No.9551 of 2018 to the effect that in the event of demolition of unauthorized construction and making necessary modification, the request for regularisation will be considered.

2.The learned counsel appearing for the petitioner in W.P. (MD)No.9551 of 2018 submitted that to carry out the aforesaid compliance of the order dated 08.12.2017, the lock and seal will have to be removed.

3.Considering the above said submission, we are inclined to direct the respondents to remove the lock and seal for a period of three months to comply with the order dated 08.12.2017. Accordingly, W.P.(MD)No.9551 of 2018 is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

4.In view of the order passed in W.P.(MD)No.9551 of 2018, the Writ Petition in W.P.(MD)No.16286 of 2018, filed by respondent No.3 in W.P.(MD)No.9551 of 2018, stands closed, as she cannot be construed as a person aggrieved, since the order dated 08.12.2017, takes care of due compliance by directing the petitioner in W.P.(MD) No.9551 of 2018 to remove the unauthorized floor put up and thereafter, seek regularisation. As of now, regularisation is yet to be granted and the same will only be done when the Writ Petitioner in W.P.(MD)No.9551 of 2018 satisfies the authorities after complying with the directions issued in respect of demolition. No costs. Consequently, connected Miscellaneous Petitions are closed. We make it clear that in the event, the petitioner in W.P. (MD)No.9551 of 2018 is not satisfied with the order of regularisation, which is inclusive of non-compliance sought to be challenged in the present proceedings, liberty is given to the petitioner in W.P.(MD)No.16286 of 2018 to approach this Court.

Sd/-

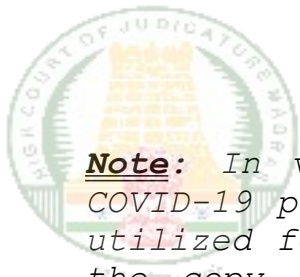
Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2



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 Director,
Directorate of Town and Country Planning,
Opposite to LIC, Chengalvarayan Buildings,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.

2.The Assistant Director,
Town and Country Planning,
Madurai Region,
4, Hakkim Ajmalkhan Road,
Chinnachockikulam,
Madurai - 625 002.

3.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi,
Virudhunagar District.

+2 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-13467[F] dated 24/03/2021)

+1 CC to M/s.SPL GP (SR-13596[F] dated 25/03/2021)

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-13675[F] dated 25/03/2021)

Common order made in
W.P. (MD) Nos.9551 and 16286 of 2018
24.03.2021

mj (CO)
TR(31.03.2021) 4P 8C