



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3032 of 2022

WEB COPY

R.Rajendran

.. Petitioner

Vs

- 1.The Commissioner of Corporation,
Madurai Corporation,
Anna Maligai, Madurai City.
- 2.The Assistant Commissioner of Corporation,
Madurai North Zone No.II,
Race Course Road,
Madurai City.
- 3.The Chief Town Planning Officer,
Madurai Corporation,
Anna Maligai,
Madurai City.
- 4.The Assistant Engineer,
Ward No.33,
Madurai Corporation Office,
Near by Rajaji Park,
Madurai City.

5.Mr.Gurunathan

.. Respondents

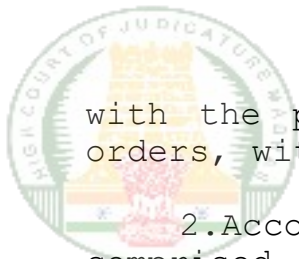
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 24.01.2022 and consequently, direct the respondent to forbear the 5th respondent intervention and ensure the peaceful work based on the proper approval.

For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.K.K.Kannan
Standing Counsel for R1 to R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 24.01.2022 and consequently, direct the official respondents to forbear the 5th respondent from interfering



with the petitioner's construction work in his property and pass orders, within a time frame to be fixed by this Court.

2. According to the petitioner, he is the owner of the property comprised in S.No.77/A1A2, situated at K.T.K. Thangamani Street, Munthiri Thoppu, Anna Nagar, Madurai. It is his case that he has obtained demolition sanction and thereafter, he has also obtained building plan sanction for constructing a house. It is the case of the petitioner that his neighbour namely the 5th respondent herein is obstructing him from putting a pillar in his property. In such circumstances, he has given a representation on 24.01.2022, to the official respondents, calling upon them to forbear the 5th respondent from interfering with the petitioner's construction work in his property. Since the said representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.J.Vijayaraja, learned counsel for the petitioner and Mr.K.K.Kannan, learned Standing counsel, who accepts notice on behalf of the respondents 1 to 4.

4. No prejudice will be caused to the respondents, if the petitioner's representation dated 24.01.2022, requesting the respondents 1 to 4 to forbear the 5th respondent from interfering with the construction work in his property, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the 5th respondent.

5. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 24.01.2022, requesting the second respondent to forbear the 5th respondent from interfering with the petitioner's construction work in his property and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the fifth respondent.

6. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

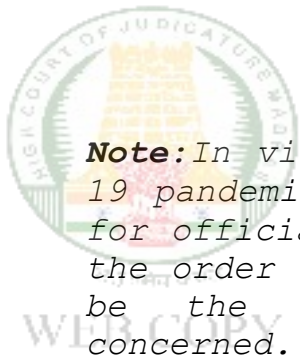
Assistant Registrar(CRL SIDE)

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/ /2022

Sub Assistant Registrar(CS)

TM



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 of Corporation,
Madurai Corporation,
Anna Maligai, Madurai City.
- 2.The Assistant Commissioner of Corporation,
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Race Course Road,
Madurai City.
- 3.The Chief Town Planning Officer,
Madurai Corporation,
Anna Maligai,
Madurai City.
- 4.The Assistant Engineer,
Ward No.33,
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Near by Rajaji Park,
Madurai City.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-6614[F] dated 16/02/2022)

W.P. (MD)No.3032 of 2022
16.02.2022

SB (CO)
TR(28.02.2022) 3P 6C