



W.P.(MD)No.19947 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.19947 of 2022
and
W.M.P.(MD)No.14518 of 2022

N.Sankaranarayanan

... Petitioner

Vs.

1.The Member Secretary,
District Town and Country Planning,
Anayur Housing Board,
Mudakathan, Madurai.

2.The Commissioner,
Madurai Corporation, Anna Maligai,
Thallakulam, Madurai- 625 002.

3.Senthil Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to take appropriate action against the third respondent and demolish the illegal construction made by the respondent No.3 in the common lane belonging the second respondent without approval from the department of Town and Country Planing authority and Madurai Corporation.



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For Petitioner :Mr.B.A.Muruganantham
For R1 :Mr.N.Satheesh Kumar
Additional Government Pleader
For R2 :Mr.S.Vinayak

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to take appropriate action against the third respondent and demolish the illegal construction made by the respondent No.3 in the common lane belonging the second respondent without approval from the department of Town and Country Planning authority and Madurai Corporation.

2.Heard Mr.B.A.Muruganantham, learned Counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of first respondent and Mr.S.Vinayak, learned Counsel, who takes notice on behalf of second respondent. By consent of all parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.The petitioner has come forward with this Writ Petition, without submitting a representation earlier to the official respondents. This itself shows the intention of the petitioner in filing a Writ Petition without addressing his grievance to any of the official respondents before approaching this Court.

4.The petitioner's claim that the third respondent is constructing his building in a property belonging to the local body is not supported by any material, except a settlement deed, dated 16.05.1930. If the petitioner alleges any violation of his civil right or any legal injury, it is open to the petitioner to approach the Civil Court for appropriate relief. This Court does not find any merit in this Writ Petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
29.08.2022

Index : Yes / No

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To

The Member Secretary,
District Town and Country Planning,
Anayur Housing Board,
Mudakathan, Madurai.



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