



W.P.(MD)No.22894 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22894 of 2022
and W.M.P.(MD) Nos.17004 and 17005 of 2022

S.Ferin Rayan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam Annex,
6th Floor, Kamarajar Salai,
Chepauk, Chennai.
- 3.The Director,
The Town and Country Planning Department,
No.807, Annasalai,
Chennai.
- 4.The District Collector,
Tirunelveli District,
Tirunelveli.
- 5.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.



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6.The Joint Director / Member Secretary,
Tirunelveli Local Planning Authority,
Town and Country Planning Department,
Tirunelveli.

7.The District Fire Officer,
Fire and Rescue Department,
Palayamkottai,
Tirunelveli District.

8.Vijaya Ravindran,
M/s. Mangala Hospital,
No.5A, Seevalaperi Road,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 7 to initiate appropriate legal action to demolish the unauthorized constructions put up in T.S.No.34 and 35 “Mangala Hospital” Door No.5A, Seevalaperi Road, Palayamkottai, within the time frame stipulated by this Hon'ble Court and consequently restrain the 8th respondent, from using the said building for any other purpose, then for which approval was granted.

For Petitioner : Mr.G.Mohan Kumar

For Respondents 1 to 4,
6 and 7 : Mr.P.Thilak Kumar
Government Pleader

For 5th Respondent : Mr.S.P.Maharajan
Standing Counsel

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ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

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The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 7 to initiate appropriate legal action to demolish the unauthorized constructions put up in T.S.No.34 and 35 “Mangala Hospital” Door No.5A, Seevalaperi Road, Palayamkottai, within a time frame and consequently, restraining the 8th respondent, from using the said building for any other purpose than for which approval was granted.

2. Heard Mr.G.Mohan Kumar, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4, 6 and 7 and Mr.S.P.Maharajan, learned Standing Counsel, who accepts notice on behalf of the 5th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 8th respondent is dispensed with.



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4. Allegating that the 8th respondent has put up additional constructions in the hospital without obtaining any approval and in utter disregard to the safety measures and requirements which are mandatory in public buildings, the petitioner submitted a representation to the official respondents on 06.09.2022 and the same, according to the learned counsel for the petitioner, remains as such.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the fifth respondent – Commissioner, Tirunelveli Corporation to consider the representation of the petitioner dated 06.09.2022, in accordance with law.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the fifth respondent to consider the representation of the petitioner dated



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06.09.2022, with regard to removal of unauthorized construction, if any, after affording an opportunity of hearing to the petitioner, 8th respondent and all the parties concerned and pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
29.09.2022

Internet : Yes/No
Index : Yes / No
sj

To

- 1.The Secretary,
Housing and Urban Development,
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Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
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- 3.The Director,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

4.The District Collector,
Tirunelveli District,
Tirunelveli.

5.The Joint Director / Member Secretary,
Tirunelveli Local Planning Authority,
Town and Country Planning Department,
Tirunelveli.

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