



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.23032 of 2022

and

W.M.P. (MD) No.17146 of 2022

R.Elizabeth

... Petitioner

Vs.

The Commissioner,
The Thoothukudi Municipal Corporation,
Palayamkottai Main Road,
Thoothukudi - 628 002.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the respondent in his notice in அபெக,எண்,எப்,64/22/F1/4/2 dated 12.09.2022 and quash the same.

For Petitioner

: Mr.K.S.Vamsidhar

For Respondent

: Mr.N.Anandakumar
Standing Counsel

* * *

O R D E R

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

The petitioner has come forward with this writ petition, challenging the notice in அபெக,எண்,எப்,64/22/F1/4/2 dated 12.09.2022, issued by the respondent to the husband of the petitioner, directing him to remove the unauthorized construction.

2. Heard Mr.K.S.Vamsidhar, learned counsel for the petitioner and Mr.N.Anandakumar, learned Standing Counsel, who accepts notice on behalf of the respondent. By consent of both sides, this Writ Petition is taken up for final disposal at the time of admission itself.

3. The main grievance of the petitioner is that the property in question belongs to her, but the respondent issued notice to her husband on 30.06.2022, claiming that he had put up



constructions over the property without the permission of the Corporation. Though the notice was issued to her husband, immediately on receipt of the said notice, the petitioner sent a reply, however, without considering the same, again the impugned notice was issued to the petitioner's husband, directing him to remove the unauthorized construction. The petitioner has fairly admitted that a portion of her building is unauthorizedly constructed.

4. The learned Standing Counsel appearing for the respondent Corporation fairly submitted that the property in question stands in the name of the petitioner, but inadvertently, the notice was issued in the name of the petitioner's husband and therefore, the respondent will issue a fresh notice to the petitioner, indicating the actual extent of unauthorized construction, made by the petitioner, and then to proceed further.

5. Recording the above submission, the Writ Petition stands allowed and the impugned order dated 12.09.2022 stands quashed and the respondent is directed to issue a fresh notice to the petitioner, indicating the actual extent of unauthorized construction, within four weeks from the date of receipt of a copy of the order and upon receipt of the same, the unauthorized construction, if any, made by petitioner shall be removed by her without any delay, failing which, the respondent shall remove the same in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

Sj
To
The Commissioner,
The Thoothukudi Municipal Corporation,
Palayamkottai Main Road,
Thoothukudi - 628 002.

+1 CC to M/s.N.ANADA KUMAR, Advocate (SR-48330[F] dated 30/09/2022)
+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-48536[F] dated 06/10/2022)

W. P (MD) No. 23032 of 2022

30.09.2022

AMS (31.10.2022) 2P 4C

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