



W.P.(MD)No.25373 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2022

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

W.P(MD)No.25373 of 2022

R.Valli

... Petitioner

Vs.

1.The Commissioner,
Corporation of Madurai,
Aringar Anna Maligai,
Madurai – 625 002.

2.The Assistant Commissioner,
North Zone – 2, Madurai Corporation,
Race Course Road,
Madurai – 626 002.

3.M.Rajagopal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the Respondents No. 1 and 2 to demolish the illegal unauthorized construction in Resurvey No.82/1, S.L.C. Plot No.46, Ward No.37, L.I.G. Colony, Zone – 2, Anna Nagar, Madurai City, Madurai, by considering the Petitioner's representation dated 13.10.2022 as per provisions of the Madurai City Municipal Corporation Act, 1971.

For Petitioner

: Mr.R.Karunanidhi



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For Respondents 1 & 2 : Mr.K.K.Kannan
Standing Counsel

ORDER

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

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 and 2 to demolish the illegal unauthorized construction in Resurvey No.82/1, S.L.C. Plot No.46, Ward No.37, L.I.G. Colony, Zone – 2, Anna Nagar, Madurai City, Madurai, by considering her representation dated 13.10.2022, as per provisions of the Madurai City Municipal Corporation Act, 1971.

2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.K.K.Kannan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2. 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 3rd respondent is dispensed with.



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4. Alleging that the third respondent, without obtaining any permission, is constructing an unauthorized building in her property in Resurvey No.82/1, S.L.C. Plot No.46, Ward No.37, L.I.G. Colony, Zone – 2, Anna Nagar, Madurai City, Madurai, the petitioner submitted a representation to the first respondent on 13.10.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, she would be satisfied, if a direction is issued to the first respondent to dispose of her representation dated 13.10.2021, within a time frame.

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 first respondent to consider the representation of the petitioner dated 13.10.2022, after affording an opportunity of hearing to the



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petitioner, the third respondent and any other 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.

[R.M.D., J.] [J.S.N.P., J.]
09.11.2022

Internet : Yes / No
Index : Yes / No
sj



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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