



W.P.(MD) No.1054 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD) No.1054 of 2023
and WMP(MD) Nos.992 and 992/2023**

Shanthi

... Petitioner

-VS-

1.The District Collector
Ramanathapuram.

2.The Commissioner,
Ramanathapuram Municipality
Ramanathapuram.

3.The Assistant Director of Town and Country Planning cum
Local Town Planning Authority
Door No.177/ 7
Kenikarai
Ramanathapuram 623 504

4.R.K.S.Ramasamy

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to demolish and remove the illegal construction made by the fourth respondent in the subject property in Old Door Nos.32, 32/1, 32/2 and 32/2A and New Door Nos. 38,38/1,38/2 and 40 Town survey No.46, Vanasankari Amman Kovil Street, Ramanathapuram in contrary to the approved building plan dated 21.09.2020 in SR No.135/CP/19-20/0001102, NP No.135/BL/2020/00063.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.D.Sasikumar for R1 & R3
Additional Government Pleader
M/s.Lajapathi Roy Associates for R4
Mr.A.Kannan for R2

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Mr.J.Barathan, learned counsel for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader for the respondent 1 & 3 and the learned counsel for the 2nd and 4th respondents.

2. The learned counsel for the petitioner submits that the respondent No.4 is a neighbour. The respondent No.4 has had permission for constructing ground



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and first floors. However, unauthorisedly constructed ground + three floors, without vacant space, as required under the regulation.

3. The learned Advocate for the respondent No.4 submits that the respondent No.4 has already filed an application for retention and revised building permission on 22.07.2023 and the same is pending with the respondent Nos.2 and 3.

4. The learned counsel for the respondents 2 and 3 accepts that application has been filed by the petitioner for retention and revised building plan permission has also been sought.

5. It is also submitted that the some suit is filed by the respondent No.4 against the petitioner in the civil Court for specific performance and the same is also pending.

6. In light of the aforesaid facts, we pass the following order:

“The respondent Nos.2 and 3 shall decide the application filed by the



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petitioner for retention and also for revised plan permission within a period of three months from today. Depending upon the decision taken by the respondents 2 and 3 on the application of the respondent No.4 for retention and revised plan permission, the parties may take further steps.”

7. The writ petition is disposed of accordingly. However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[C.K, J.]

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NCC : Yes / No

Index : Yes / No

RR



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THE HON'BLE THE CHIEF JUSTICE
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C.KUMARAPPAN, J.

RR

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