



W.P.(MD) No.3553 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.3553 of 2023

and WMP(MD) Nos.3305 and 5760 of 2023

Tamizhavel Thiru.P.T.Rajan Commemoration Trust,
Represented by its Trustee, Ramesh Rajan
Besant Road
Chokkikulam
Madurai 625 002

... Petitioner

-VS-

1.The Commissioner
Madurai Corporation
Arignar Anna Maligai, Thallakulam
Madurai 625 002.

2.The Chief Engineer
Madurai Corporation
Aringar Anna Maligai, Thallkulam
Madurai 625 002

... Respondents



W.P.(MD) No.3553 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records of the 2nd respondent vide Notice in M2/U3/000633/2023 dated 07.02.2023 quash the same as illegal, arbitrary and unconstitutional.

For Petitioners : Mr.P.H.Aravind Pandian
Senior Counsel for
Mr.Amrith Bhargav
For Respondents : Ms.R.Devasena for R1
Mr.K.K.Kannan for R2
Mr.S.Ramesh for impleading petitioner
Mr.D.Sivaraman
Advocate Commissioner

ORDER

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

We have heard Mr.P.H.Aravind Pandian, learned Senior Counsel for the petitioner and Mrs.R.Devasena, learned counsel for the Corporation. An impleading application has also been filed by the owner of the property, who had given on lease the subject writ property to the petitioner.

2. The petitioner is challenging the show cause notice issued by the Corporation. Unauthorized construction is alleged on the part of the petitioner.



W.P.(MD) No.3553 of 2023

WEB COPY

3. A Coordinate Bench of this Court under order dated 22.02.2023 had directed appointment of an Advocate Commissioner. The Advocate Commissioner has submitted his report. The petitioner has also filed a reply to the Advocate Commissioner's report.

4. As per the report of the Advocate Commissioner, the petitioner has constructed portico area on the ground and first floor and has AC Units on the second floor, which is not in the plan. According to the learned Senior Counsel for the petitioner, the portico in the first floor is as per the plan.

5. It is for the authority to consider the same.

6. The petitioner is at liberty to file an application for retention/regularisation with the respondent Corporation within two weeks from today. In case, such application is filed, the respondent Corporation shall take a decision upon it, on its own merits, preferably, within two months from the date of receipt of the application.



W.P.(MD) No.3553 of 2023

WEB COPY

7. In case, the petitioner does not file an application for retention/regularisation within two months, then, the respondent Corporation are at liberty to proceed ahead as per the Advocate Commissioner's report.

8. In case, the application is filed by the petitioner for retention/regularisation and the decision is taken by the respondents upon it, the parties may take further steps accordingly.

9. 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.]

29.08.2023

NCC : Yes / No

Index : Yes / No

RR



WEB COPY



W.P.(MD) No.3553 of 2023

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

RR

W.P.(MD)No.3553 of 2023

29.08.2023