



W.P.(MD) No.13075 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.13075 of 2021

and

W.M.P.(MD) No.10120 of 2021

R.Karmegam

... Petitioner

-vs-

- 1.The District Collector
Madurai District, Madurai
- 2.The Director
City Town Planning Authority
807, Anna Salai
Chennai-02
- 3.The Commissioner
Madurai Corporation
Madurai
- 4.The Executive Member (in-charge)
Madurai Town Planning Authority
Madurai
- 5.The Deputy Collector (Stamps)
District Registrar Office
Madurai South, Madurai
- 6.The Tahsildar
Thirupparankundram Taluk
Madurai District



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7.V.Muthukrishnan

8.M.Renganayagi

9.Harihara Sudhan

10.M.Venkateswaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 forthwith to remove the unauthorized commercial buildings constructed by the respondents 7 to 10 in Survey Nos.226/3B2, 226/5B, 226/5B1 and 226/5B1A at Bypass Road, Arul Nagar, Madurai Corporation, for violating the Madurai Municipal Corporation Act, 1971, Town and Country Planning Act, 1971 within the stipulated time fixed by this Court and further direction to the respondents 5 & 6 to take necessary action against the respondents 7 to 10 for violating the Indian Stamps Act and the Tamilnadu Public Buildings Licensing Act, 1965, by considering the petitioner's representation dated 19.03.2019, 12.11.2020.

For Petitioner : Mr.S.Srinivasa Raghavan
for Mr.B.Sivakumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1, R2, R4 to R6
Mr.R.Murali for R3
Mr.Satheesh Parasaran, Senior Counsel
assisted by Mr.J.Pandi Dorai for R7 to R10



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This writ petition has been filed seeking necessary action to remove the alleged illegal construction put up by the respondents 7 to 10 without obtaining a sanctioned plan or in violation of the sanctioned plan.

2. This Court had, earlier by order dated 09.11.2016 made in W.P. (MD) No.16406 of 2016, directed the Authority concerned to consider the revised plan submitted by the respondents 4 to 7 in the said writ petition, who figure as respondents 7 to 10 in this writ petition, and pass orders thereon, within a period of three months from the date of receipt of a copy of the order. As against the said order, a special leave petition seems to have been filed and the same was also dismissed by the Hon'ble Supreme Court.

3. In the counter affidavit filed by the Town Planning Authority, it is stated that the revised plan was returned and there are some civil suits that are pending. It is also stated that the premises in question has been sealed by the Corporation.



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4. However, we find that the petitioner herein has no *locus standi* to maintain this writ petition in view of his conduct. The petitioner had driven his car into the restaurant that was being run by the respondents 7 to 10, merely because the respondents 7 to 10 sought for eviction of the petitioner from the portion of the Highway, which he had encroached. Most of the litigations seeking removal of illegal constructions, we find, are driven by ego or they are filed to wreck vengeance. Unfortunately, this writ petition belongs to the both categories. It is the petitioner's ego, which made him lose his balance to the extent of driving his car into the restaurant endangering the lives of several people. We do not think that we could keep this writ petition pending for even a moment longer, since we find that the petitioner, by his conduct, has proved that he is not worthy of being heard by this Court.

5. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
20.06.2023
(1/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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