



W.P(MD)No.15408 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE P.VADAMALAI**

W.P(MD)No.15408 of 2021

S.V.Balasubramanian

... Petitioner

Vs.

1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

2.The Assistant Commissioner,
Zone No.2, Race Course Road,
Madurai Corporation, Madurai.

3.Gunasekaran
4.Rajesh
5.Dr.Charles
6.Rajamarthandan
7.Manickavasagam
8.Maran
9.Rajasekar
10.Venkatesan

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the first respondent to remove the unauthorized constructions made by the respondent Nos.3 to 10



W.P(MD)No.15408 of 2021

herein in the shopping complex area of Green Park Apartments, No.252-A, P.T.Rajan Raod, Visalakshipuram, Madurai District by considering the petitioner's representation, dated 16.05.2019 and 11.06.2019 and within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For R-1 & R-2 : Mr.S.Vinayak

For R-3, R-5, R-7,
R-8, R-9 & R-10 :Mr.V.Paneerselvam

For R-4 & R-6 :No Appearance

ORDER

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

We have heard the learned counsel appearing on either side.

2. The petitioner alleges unauthorized construction on behalf of respondents 3 to 10.

3. According to the learned counsel for the petitioner, the notices were issued by the Corporation to the private owners to remove the



W.P(MD)No.15408 of 2021

unauthorized part of construction. However, they have not taken any steps.

4. The learned counsel for the Corporation submits that all the shop owners have taken permission for construction. After permission, the construction has been made. They have erected asbestos sheets in front of their shops.

5. The Corporation being the planning authority has to survey and verify whether the construction carried out is in accordance with the construction permission. It has also to satisfy that no further space is being used or unauthorized construction has been made.

6. The learned counsel for the private respondents submits that the Corporation conducted a survey and came to the conclusion that there is no encroachment and an order was passed on 13.12.2019.

7. The Corporation shall once again conduct a survey and verify that no unauthorized construction has been made and take steps accordingly.



W.P(MD)No.15408 of 2021

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8. The Writ Petition stands disposed of. No Costs.

(S.V.G., CJ.)

(P.V.M., J.)

28.08.2023

NCC :Yes/No
Index :Yes/No
PM



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W.P(MD)No.15408 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.VADAMALAI, J.

PM

W.P.(MD)No.15408 of 2021

28.08.2023