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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.14994 of 2023

Elakkuvan

... 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 – 625 002.

3.Venkatachalapathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 not to demolish the petitioner's house property situated at Door No. 2/527, Plot No.47, Gomathipuram 6th Main Road, Melamadaï, Madurai City by considering the petitioner's representation dated 16.06.2023 as per provisions of the Madurai City Municipal Corporation Act, 1971 and pass appropriate orders within the period that may be stipulated by this Court.



For Petitioner :Mr.R.Karunanidhi
For R1 and R2 :Ms.S.Devasena

ORDER

Heard Mr.R.Karunanidhi, learned Counsel for the petitioner and Ms.S.Devasena, learned Standing Counsel for the respondents 1 and 2.

2. There is a civil dispute between the petitioner and the third respondent/his own brother in O.S.Nos.178 of 2016 and 461 of 2019 before the Subordinate Court, Melur. In the meanwhile, the petitioner had filed the present Writ Petition on the apprehension that the first and second respondents, on the basis of a complaint given by the third respondent, would demolish the residential building, where the petitioner is residing.

3. Ms.S.Devasena, learned Standing Counsel for the first and second respondents, however, very categorically stated that as on date, no notice for demolition has been issued.



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4.It is made clear that if ever any such proposal is there in the office of the first and second respondents, they cannot and should not proceed further without issuing notice to the petitioner. Since the statement of the learned Standing Counsel is recorded, the Writ Petition is disposed of with a liberty to the petitioner to approach the Court, if every a notice is issued and if a cause arises for filing of a Writ Petition.

No costs.

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

23.06.2023

cmr



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.14994 of 2023

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