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W.P.(MD)NO.11158 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11158 of 2015

P.Krishnammal

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Director,
Town Country Plan,
807, Anna Salai,
Chennai.
3. The Member Secretary,
Madurai Local Planning Division,
Madurai Corporation Building,
Madurai District.
4. The Commissioner,
Madurai Corporation,
Madurai.
5. D.Manoharan
6. M.Chandra

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action



against the respondents 5 and 6 and demolish the illegal construction made by the respondents 5 and 6 without approval from the Department of Town Country Planning Authority.

For Petitioner : Mr.V.M.Balamohan Thampi
For R-1 to R-3 : Mr.D.Gandhi Raj,
Special Government Pleader.
For R-4 : Mr.R.Murali
For R-5 & R-6 : Mr.B.A.Muruganantham

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that respondents 5 and 6 have put up unauthorised construction. A complaint was lodged before the local body. Since action was not taken, the present writ petition came to be filed.

3. The fourth respondent has filed counter affidavit.
Paragraph No.2 of the counter affidavit reads as follows:-

“2. I respectfully submit that the present writ



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petition was filed as a Mandamus to take action against illegal construction made by respondents 5 and 6 herein. It is submitted that the respondents 5 and 6 obtained plan approval from Madurai Corporation for construction of residential building to extent of 1324 of Sq.ft of ground floor and 1324 sq.ft of first floor in R.S. No.439/1 Madakulam Village, Muthupatti Main Road, Madurai. The respondents 5 and 6 while constructing the building made deviations and constructed 2231 sq.ft of building in each floor and for the same the Corporation issued appropriate notice dated 25.07.2014 under Section 296(1)(2) of Madurai City Municipal Corporation Act to the 5th respondent. Since no proper explanation was received the Corporation passed final order under Section 296(3) of Madurai City Municipal Corporation Act against the building owner. In fact the 5th respondent also made additional floor constructions with the total violation. The Madurai Local Planning authority is



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also initiating action against the illegal construction made by the respondents 5 and 6.”

4. The fourth respondent is directed to take the matter to its logical conclusion. The fourth respondent will issue notice to respondents 5 and 6 and conclude the exercise within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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G.R.SWAMINATHAN,J.

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