



W.P(MD)No.21441 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21441 of 2014

and

M.P(MD)No.1 of 2014

A.Syed Ibrahim

... Petitioner

Vs

- 1.The State represented by
The Secretary,
Housing and Urban Development,
St.George Fort,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Tahsildar, Thirumangalam Taluk Office,
Madurai District.
- 4.The Commissioner of Police,
Madurai Town, Madurai.
- 5.The Commissioner of Corporation,
Madurai Corporation, Madurai.
- 6.The Assistant Commissioner (Zonal),
Madurai Corporation, Madurai.



W.P(MD)No.21441 of 2014

7.Illango Packiaraj

8.S.Ramakrishnan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 and 5, their subordinates, officials, servants and men not to interfere into the peaceful possession of the Petitioner's members dwelling house at Max Towers, No.100, Meenakshi Nagar, Madurai and directing the respondents 1 & 2 to take appropriate action against the respondents 3 to 7.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.3 & R.5

Ms.S.Devasena for R.4

Mr.N.Sathish Babu for R.6

ORDER

Heard both sides.

2.MAX Properties Private Limited put up an apartment complex in Meenakshi Nagar, Madurai. The individual apartments have since been purchased and the tower is now fully occupied. This writ petition was filed by the President of the Apartment Owners Association. The prayer in this writ petition is for forbearing the Madurai Corporation from initiating any coercive



W.P(MD)No.21441 of 2014

action against the apartment owners. According to the local body, certain statutory charges were not paid and therefore, the Corporation has no other option but to enforce the same by blocking the drainage.

3.The case of the writ petitioner is that the promoters after collecting all the statutory charges from the purchasers failed to remit the same. If that be so, it is a dispute that has to be independently settled before the consumer forum between the apartment buyers on the one hand and the promoters on the other. If the charges have not been paid, the local body is entitled to proceed against the property. Since the issue concerns the fundamental amenities of the apartment owners, the Corporation is directed to maintain the status quo for the next four months. The fourth respondent shall issue notice to the President of the apartment owners association and also to the promoters. Enquiry shall be held and a tripartite meeting can be convened by the fifth respondent and final order shall be passed on merits and in accordance with law. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The Corporation will have to place all the relevant details before the apartment owners. The apartment owners can be represented by their President and other key office bearers. The rights of the writ petitioner will abide by the outcome of the order to be passed by the fourth respondent.



W.P(MD)No.21441 of 2014

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

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

To

- 1.The Secretary,
Housing and Urban Development,
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- 2.The District Collector, Madurai District, Madurai.
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W.P(MD)No.21441 of 2014

G.R.SWAMINATHAN, J.

MGA

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