



W.P.(MD)No.28879 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.28879 of 2023

M.Jayamuthu

... Petitioner

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.

2.The City Town Planning Officer,
Madurai Municipal Corporation,
Madurai.

3.S.B.Rajkumar

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to consider the representation dated 28.08.2023 and take necessary action to stop the illegal construction of the third respondent in Plot No.21, K.V.R.Gardens, Muthuthevar Colony, Kochadai Village, Madurai.



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For Petitioner : Mr.A.Prasanna Rajaduarai
For R1 and R2 : Mr.S.Vinayak
Standing Counsel

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in the present writ petition is to direct the second respondent to consider the representation submitted by the writ petitioner on 28.08.2023 and to stop the illegal construction made by the third respondent.

2.The learned Standing Counsel appearing on behalf of the Madurai Corporation, on instructions, made a submission that the third respondent has already obtained building plan permission and the construction activities are in progress. He further submitted that as of now they have not identified any unauthorized constructions.

3.In view of the above submission, this Court is of the view that it is the duty of the authorities to monitor the constructions made by any person in order to



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prevent unauthorized constructions. Further, in respect of the allegations raised by the petitioner that the third respondent is encroaching upon his property, the petitioner has to approach the competent civil Court for the purpose of establishing his rights.

4. With the above observations, this writ petition stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)
07.12.2023

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

1. The Commissioner,
Madurai Municipal Corporation,
Madurai.
2. The City Town Planning Officer,
Madurai Municipal Corporation,
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