



WEB COPY



W.P.(MD)No.5890 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5890 of 2024

Karthikeyan

: Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai.

2.The District Collector,
Office of the District Collector,
Madurai District.

3.The Commissioner,
Office of the Commissioner,
Madurai Corporation,
Madurai – 625 002.

4.V.Parameshwari

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the third respondent to remove the unauthorized construction by the fourth



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respondent in Roja Street, Bethaniyapuram, Madurai by considering the petitioner's representation dated 25.11.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents 1 & 2 : Mr.T.Amjad Khan
Government Advocate
For Respondent No.3 : Mr.K.Sivabalan
Standing Counsel

O R D E R

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for a direction to the third respondent to remove the unauthorized construction by the fourth respondent in Roja Street, Bethaniyapuram, Madurai by considering the petitioner's representation dated 25.11.2023 in accordance with law.

2.Heard Mr.R.Alagumani, learned Counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 & 2 and Mr.K.Sivabalan, learned Standing Counsel appearing for the third respondent.

3.According to the learned Counsel for the petitioner, the fourth respondent started renovating her house without obtaining proper approval from the concerned authorities and she even



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caused damages to the adjacent house, which is the petitioner's house. On the complaint made by the petitioner, the third respondent has issued a notice to the fourth respondent dated 29.03.2021, based on the representation of the petitioner dated 03.02.2022. The petitioner has also personally approached the Madurai Corporation and inquired about the action taken on his earlier complaint regarding the unauthorized construction made by the fourth respondent. In the meantime, the fourth respondent has completed the construction by the representation of the petitioner remains unattended. Hence, the petitioner has preferred the present Writ Petition.

4.On 29.03.2021, the respondent Corporation has issued a stop work notice to the fourth respondent, to stop the unauthorized construction of the building. Thereafter, there is no further action taken by the respondent Corporation. Subsequent communication is also enclosed in the typed set of papers. The petitioner has also made subsequent request to the authorities concerned. As seen from the photographs, now the fourth respondent has carried out the construction in the aforesaid property.

5.Considering the prayer sought for in the present writ petition, this Court without expressing any opinion on the merits of the matter directs the third respondent to consider the



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representation of the petitioner dated 23.11.2023 and take necessary action for removal of the unauthorized construction, if any, as early as possible, in any event within a period of twelve [12] weeks from the date of receipt of a copy of this order. It is needless to say that the Government has passed G.O.(Ms)No.15, Municipal Administration and Water Supply (MA.1) Department dated 01.03.2024, wherein a High Level Committee has been constituted for monitoring the unauthorized constructions within the jurisdictional area and therefore the monitoring committee shall also monitor the same.

6.The Registry is directed to entertain the writ petitions relating to unauthorized construction and to number the said writ petitions only after impleading the monitoring committee as a party in such writ petitions.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K.,J.] & [R.V.,J.]

12.03.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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- 4.The Registrar (Judicial),
Madurai Bench of Madras High Court,
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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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12.03.2024