



W.P.(MD) No.5409 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5409 of 2024

and

W.M.P.(MD)No.5169 of 2024

Amjath Khan

... Petitioner

[correct name of the petitioner is Amsadhgan]

-Vs-

The Commissioner,
Lalgudi Municipality,
Paramasivapuram,
Lalgudi, Trichy District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No. 162/204/F2 dated 15.02.2024 on the file of the respondent herein, and quash the same consequently direct the respondent not to demolish the building till the disposal of the Rev.Appl.S.R.(MD)No.10444/2024 on the file of this Court.

For Petitioner : Mr.V.Illanchezian

Page 1 of 4



W.P.(MD) No.5409 of 2024

WEB COPY **ORDER** [Order of the Court was made by **D.KRISHNAKUMAR, J.**]

The petitioner is the lessee of the property in Survey No.101/1, Siruthaiyur Village, Rengonn Chidambarareddiyar Tharumam Trust. He constructed shops in the said property. The respondent Municipality had issued notice stating that the petitioner had constructed the shops unauthorizedly in that property. Thereafter, in the writ petition filed by one Jothi @ Jothi Nageshwaran W.P.(MD)No.1463 of 2023 praying to remove the alleged unauthorized construction, this Court had also directed the Municipality to remove the unauthorized construction. Based on that direction, the eviction notice has been issued. Challenging the same, the present writ petition is filed.

2.The learned counsel for the petitioner submits that before passing the impugned order, no notice was issued to the petitioner. He would fairly submit that the landlord of the petitioner has not obtained any planning permission for the construction made by the petitioner in the subject property.

3.Admittedly, the landlord of the petitioner has not obtained any planning permission and the construction in question is an unauthorized



W.P.(MD) No.5409 of 2024

construction. The respondent Municipality after identifying the same on enquiry, has issued the present eviction notice based on the directions of issued by this Court in W.P.(MD)No.1463 of 2023.

4.Perusal of the records shows that prior notices were issued seeking explanation of the petitioner with regard to unauthorized construction and the petitioner had also submitted his explanation. Only thereafter, the present eviction notice was passed. Without obtaining any planning approval, the petitioner cannot have any *locus standi* to challenge the proceedings of the respondent. Hence, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to approach the respondent seeking time for vacating the subject premises. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
06.03.2024

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

Page 3 of 4



WEB COPY



W.P.(MD) No.5409 of 2024

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

ta

To

The Commissioner,
Lalgudi Municipality,
Paramasivapuram,
Lalgudi, Trichy District.

W.P.(MD)No.5409 of 2024

06.03.2024

Page 4 of 4