



W.P(MD)No.9522 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :27.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.9522 of 2021**

**and**

**W.M.P(MD)Nos.7255 and 7256 of 2020**

M/s.Ponram Biriyan Hotel(P) Ltd.,  
represented through its Managing Director,  
R.Prabakaran

... Petitioner

vs.

1.Dindigul Municipal Corporation thro'  
The Commissioner,  
Corporation Office,  
No.13, Main Road,  
Dindigul.

2.The District Collector,  
Dindigul District,  
Collector Office Complex,  
Dindigul.

3.The Diocese of Madurai-Ramnad,  
Church of South India,  
Property Officer,  
A.V.H.Building 1<sup>st</sup> Floor,  
152, East Veli Street,  
Madurai.

4.M.Rajasekaran

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India  
praying for issuance of a Writ of Certiorarified Mandamus to quash the  
impugned notice in Na.Ka.No.2611/2021/F1 dated 04.05.2021 issued by



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the first respondent and consequently forbear the first respondent from interfere with the running of the petitioner's Ponram Biriyani Hotel Business in Shop Nos.32, 33 & 34 in Dudley Higher Secondary School Shopping Complex, Dindigul.

|                |                                           |
|----------------|-------------------------------------------|
| For Petitioner | : Mr.N.S.Karthikeyan                      |
| For R-1        | : Mr.J.Lawrance                           |
| For R-2        | : Mr.T.Amjad Khan,<br>Government Advocate |
| For R-3        | : No Appearance                           |

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

The petitioner has filed this writ petition challenging the impugned notice in Na.Ka.No.2611/2021/F1, dated 04.05.2021, issued by the first respondent and consequently, forbear the first respondent from interfering with the running of the petitioner's Ponram Biriyani Hotel Business in Shop Nos.32, 33 & 34 in Dudley Higher Secondary School Shopping Complex, Dindigul.

2. The allegation of the petitioner is that the Corporation has singled out the petitioner alone and has taken action against him and no action has been taken against the fourth respondent and therefore, the impugned notice is liable to be set aside.



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3. The learned counsel appearing for the Corporation would submit that the entire building in question constructed by the third respondent is an unauthorised construction and the impugned notice has been served on the petitioner, who is a tenant in the aforesaid building.

4. We have heard the learned counsel appearing on either side and perused the materials placed before us.

5. We are of the view that we cannot interfere with the action of the Corporation on the ground that the respondent-corporation has singled out the petitioner. The first respondent shall proceed to take steps for removal of the unauthorized construction of the entire building constructed by the third respondent by following the procedure as contemplated under law, after providing opportunity to all the parties concerned.

6. With the above observations, this writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

**[D.K.K.,J.] [R.V.,J.]**  
**27.03.2024**

NCC : Yes / No  
Index : Yes / No  
PM



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To:

WEB COPY

1.The Commissioner,  
Dindigul Municipal Corporation,  
Corporation Office,  
No.13, Main Road,  
Dindigul.

2.The District Collector,  
Dindigul District,  
Collector Office Complex,  
Dindigul.



WEB COPY



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**D.KRISHNAKUMAR, J.**  
**and**  
**R.VIJAYAKUMAR, J.**

PM

**ORDER MADE IN**  
**W.P(MD)No.9522 of 2021**

**DATED :27.03.2024**