



WP(MD). No.11590 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/12/2024

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE Mrs. JUSTICE L.VICTORIA GOWRI**

**WP(MD). No. 11590 of 2021
and
W.M.P.(MD)No.9107 of 2021**

D.Venkateswaran

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai -600 009.
2. The Commissioner,
Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor, C & E Market Road
Koyambedu, Chennai-600 107.
3. The Deputy Director of Town and Country Planning,
5/637B, Periyar Street, NGO Colony,
Virudhunagar
4. The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.



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5. M/S. Chitra Nursing Home,
No.626, Tenkasi Road,
Rajapalayam, Virudhunagar District,
Rep. By Dr.A.B. Gopala Murugan.

6. Dr.A.B.Gopala Murugan,
No.1 Sundariraja Street,
Rajapalayam,
Virudhunagar District

...Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ of Mandamus directing the Respondents 1 to 4 to remove the illegal/unauthorized construction put by the Respondents 5 and 6 without following the procedure contemplated under the Tamil Nadu Municipalities Act, 1920, TamilNadu Town and Country Planning Act, 1971 and Multi-Storeyed and Public Building Rules, 1973 at Door No.01, Sundari Raja Street, Survey Ward-D, Rajapalayam Town, within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.VR.Shanmuganathan
For R1 to R3	: Mr.SRA. Ramachandran Additional Government Pleader
For R4	: Mr.N.Dilip Kumar
For R5	: Mr.B.Ranga
For R6	: Mr.R.R.Kannan



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ORDER

**(Order of the Court was made by
the Hon'ble the Chief Justice)**

The petitioner and sixth respondent, we are informed are part of an extended family. Sixth respondent owns the Nursing Home, which is fifth respondent. Allegations are made that fifth respondent has deviated from the plan approved / constructed illegally, if not the entire Nursing Home, a major part of it.

2.Counsel appearing for sixth respondent states that he would like to put an end to all litigations and live peacefully. Certainly, if petitioner and sixth respondent are inclined to put an end to multiple litigations between them, which from the counsel's submissions gave us a feeling must have been acrimonious, it is open to the parties to refer the issues to mediation.



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3.Be that as it may, fifth respondent which is owned by sixth respondent is a Nursing Home. We are informed that it is a Cardiac Care Unit and it also has a unit operating as a maternity home with a neonatal ward.

4.Counsel appearing for the Corporation states they already initiated proceedings against fifth / sixth respondents for deviating from the approved plan and those proceedings within three months will be concluded.

5.We also direct the Corporation to take thorough examination of the plan with no leniency in any aspect being shown, because the building is used as a Cardiac Care Unit and also as a maternity home and in case there is an unfortunate fire or a like incident, there could be major casualty. Therefore, we dispose the petition with a direction to respondents 1 to 4 to take all steps in accordance with law to remove all unauthorized construction as also follow up on the deviation notices issued and come to a logical conclusion.



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6.Petition disposed of. We hasten to add, we have not made any observation on the merits of the matter. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

(K.R.SHRIRAM, C.J.)

(L.VICORIA GOWRI, J.)

20.12.2024

NCC : Yes/No

Index : Yes/No

MR



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IN
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