



W.P.(MD) No.14790 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.14790 of 2024

and

W.M.P.(MD)No.12970 of 2024

Syed SulthanBeevi @ Bashiriya Begum

... Petitioner

-Vs-

1.Madurai Municipal Corporation,
Through its Commissioner,
Anna Maligai, Madurai.

2.The Assistant Commissioner,
Zone-4 (South), Madurai Corporation,
Madurai.

3.S.M.Abdulkadhar
4.Abdul Rafoob Nistar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relates to the notice dated Nil, signed and issued by the 2nd respondent on 20.06.2024 and quash the same, as it is arbitrary and illegal.



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For Petitioner : Mr.R.Suriya Narayanan
For R1 & R2 : Mrs.S.Devasena,
Standing Counsel

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

The petitioner wants to file an appeal under Section 135 of Tamil Nadu Urban Local Bodies Act, 1998 to ratify the violations, that have been made by putting up construction in violation of the approved building plan already given by the respondent Corporation and such an application or appeal would immediately be filed within a maximum period of one week from today (04.07.2024).

2.The learned Standing Counsel for the respondents 1 and 2 would submit that since as on date, admittedly, no such application had been filed, the respondent Corporation has proceeded in accordance with law. That is how the present notice, which is impugned herein, is issued as a final notice to remove the unauthorized structure within a period of seven days, otherwise it would be removed at the cost of the petitioner. She would also submit that if at all any such application is filed, that is also to be considered by the respondent Corporation in accordance with law.



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3. Having regard to the submissions made by the learned counsel for both sides, we are inclined to pass the following order:-

“(i) that the petitioner is hereby given one week to make an appeal / application under Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998 for ratification of the violations, if it is permissible by the respondent Corporation, after imposing penalty and with usual conditions;

(ii) If any such application is made within a period of one week as directed above, the respondent Corporation shall consider the same and pass necessary orders thereon, within a period of four weeks thereafter; and

(iii) Till such time, the impugned order shall not be given effect to.”

4. With this direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K., J.] & [G.A.M., J.]
04.07.2024

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

Yuva

Note: Issue Order copy on 05.07.2024.



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R.SURESH KUMAR, J.

AND

G.ARUL MURUGAN, J.

Yuva

To

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