



W.P(MD)No.17831 of 2019

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.17831 of 2019
and
W.M.P(MD)No.14296 of 2019
and
W.M.P(MD)No.645 of 2020**

Ajmeer Ali

... Petitioner

vs.

1.The District Collector,
O/o.the District Collector,
Sivagangai District.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivagangai District.

3.S.Wahab

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.781/2019/F2 dated 07.08.2019 of the second respondent and quash the same as illegal, consequently forbearing the respondents, their subordinates, servants, men from disturbing the petitioner's M/s.City Biscuits Company in Plot Nos.B-25 and C-26, Shanmuga Nagar, Senjai Nagar, Karaikudi Town, Sivagangai District.



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For Petitioner	: Mr.S.M.A.Jinnah
For R-1	: Mr.S.P.Maharajan, Special Government Pleader
For R-2	: Mr.P.Venkatesh
For R-3	: Mr.P.Mohammad Suhail for M/s.Ajmal Associates

ORDER

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

The petitioner has filed this writ petition challenging the order passed by the second respondent under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971.

2. It is seen that earlier this Court directed the parties to maintain status-quo vide order dated 14.08.2019, wherein it is specifically mentioned that the petitioner has not obtained any permission for running business in the building in question.

3. When the writ petition is taken up for hearing today, the learned Special Government Pleader appearing for the first respondent, would submit that new building plan approval has been granted to the petitioner and therefore, the petitioner has to demolish the old building and reconstruct the same. He would further contend that without exhausting the remedy available under Section 80-A of the Tamil Nadu Town and Country Planning Act, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.



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4. According to the petitioner, entire construction of the building was completed in which ground floor and first floor are used for residential purpose and the second floor is used for running the business.

5. In such circumstances, if there is any violation or deviation of the building plan approval, it is open to the second respondent – Municipality to take necessary action for removal of unauthorized construction, by following the procedure as contemplated under law, after providing opportunity to the petitioner as well as the third respondent. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, 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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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

ORDER MADE IN
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