



W.P.(MD) No.17907 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17907 of 2021

and

W.M.P.(MD)No.14770 of 2021

T.Mariappan

... Petitioner

-Vs-

1.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai District.

2.The Member Secretary,
Madurai Local Planning Authority,
3rd Floor, Madurai Corporation,
Tallakulam, Madurai.

3.Sandhya Devi
4.Soundarapandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to remove the unauthorized construction put up by the third and fourth respondent in Plot No. 169, 5th East Street, K.K.Nagar, Madurai in violation of the building plan



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approval given by the first respondent and by considering the petitioner's representation dated 21.09.2021 within the period that may be stipulated by this Court.

For Petitioner	: Mr.Mohammed Imran for M/s.Ajmal Associates
For R2	: Mr.S.P.Maharajan Special Government Pleader
For R1	: Ms.S.Devasena Standing Counsel
For R3 & R4	: Mr.R.Gandhi for Mr.J.Karthikeyan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Seeking demolition of the unauthorized construction put up by the third and fourth respondents in the petition mentioned property, the petitioner has filed this writ petition.

2.The learned counsel for the petitioner submits that the petitioner has made a representation dated 21.09.2021 before the respondent Corporation pointing out some unauthorized construction put up by the third and fourth respondents. Since the same was not considered, the petitioner is constrained to file this writ petition.



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3.The learned counsel for the third and fourth respondents submits that an application is made along along with the revised plan seeking approval of the same before the respondent Corporation and the same is pending.

4.The learned Standing Counsel appearing for the respondent Corporation submits that based on the application made by the petitioner, the Assistant Engineer of Madurai Corporation inspected the property and measured its four boundaries. On such measurement, it is seen that the building was constructed against the approved plan. Hence, notice under Section 296(1) and (2) of the Corporation Act 1971 was issued on 10.08.2020 and notice under Section 296(3) of the Act was issued on 09.10.2020. She further states that no application seeking approval of the revised plan is made as claimed by the third and fourth respondents.

5.The status report filed by the Assistant Engineer of Madurai Corporation shows that there is violation of the approved plan. Even though there is a bar for constructing a building beyond the approved level, the petitioner had constructed the building without obtaining proper permission



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from the authorities concerned. There is a clear violation of approval granted by the respondent Corporation as well as the Government Order in G.O.(2D) No.15, Municipal Administration and Water Supply (MA.1) Department dated 01.03.2024.

6.In view of the above, this Court directs the respondent Corporation to take action for removal of the unauthorized construction in the building in question in accordance with law after giving notice to the parties concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
25.03.2024

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

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