



WEB COPY

W.P.(MD) Nos.19428 & 21951 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

**W.P.(MD) Nos.19428 & 21951 of 2023
and**

W.M.P.(MD) Nos.16072 & 18308 of 2023

W.P.(MD) No.19428 of 2023:

K.Srinivasaraghavan

... Petitioner

-VS-

- 1.The Commissioner
Thoothukudi City Municipal
Corporation (South Zone)
No.113, Palai Road
Thoothukudi-628 002
- 2.Executive Engineer
Thoothukudi City Municipal Corporation
Thoothukudi
- 3.Ramamoorthy

... Respondents



WEB COPY

W.P.(MD) Nos.19428 & 21951 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to review the report filed by the second respondent and take necessary action; directing the respondents 1 and 2 to take appropriate action on the illegal construction within a reasonable time.

For Petitioner : Mr.R.Mathava Selvam

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.N.Ananda Kumar for R2
No appearance for R3

W.P.(MD) No.21951 of 2023:

Ramamurthy

... Petitioner

-vs-

1.The District Collector /
Member Secretary
Local Town and Country Planning
Tuticorin District, Tuticorin

2.The Commissioner
Tuticorin Corporation
Tuticorin

3.Executive Engineer
Tuticorin City Municipal Corporation
Tuticorin

... Respondents



WEB COPY

W.P.(MD) Nos.19428 & 21951 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the impugned order in Na.Ka.No.F1/UAC.69/23/SZ, dated 30.08.2023, on the file of the second respondent and preceded by consequential successive orders Na.Ka.No.அபெக.எண்.69/2023/தெ.ம.எப்1, dated 10.08.2023; in Na.Ka.No.அபெக.எண்./தெ.ம.எப்1 dated 06.07.2023 in அபெக.எண்.தெ.ம.எப்/69/23/52, dated 13.06.2023 in Na.Ka.No.F.69/23/52, dated 29.05.2023 and all orders passed by the second respondent and quash the same as illegal, unconstitutional, ultra-vires and without jurisdiction.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.N.Ananda Kumar for R2

C O M M O N O R D E R

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

Prayer in W.P.(MD) No.19428 of 2023 is to direct the respondents 1 and 2 to review the report filed by the second respondent and take necessary action; direct the respondents 1 and 2 to take appropriate action on the illegal construction within a reasonable time.



WEB COPY

W.P.(MD) Nos.19428 & 21951 of 2023

2. Prayer in W.P.(MD) No.21951 of 2023 is to quash the order dated 30.08.2023 and its preceded orders passed by the second respondent.

3. Insofar as W.P.(MD) No.19428 of 2023 is concerned, learned counsel appearing for the respondent – Corporation, on instructions, submitted that a show cause notice has been issued on 29.05.2023 for the unauthorized construction, subsequently, a notice under Section 293(3) of Coimbatore Corporation Act has been issued on 13.06.2023, thereafter, on 06.07.2023, notice under Sections 56, 57 and 80(A) of the Town and Country Planning Act have been issued and finally on 30.08.2023, a lock and seal notice has been issued.

4. Taking into consideration the fact that pursuant to the notice issued under Sections 56, 57 and 80(A) of the Town and Country Planning Act, sofar no final action has been taken for removal of the unauthorized construction, the Commissioner, Thoothukudi City Municipal Corporation, is directed to take necessary action for removal of the unauthorized construction in accordance with law, after providing due opportunity to the parties



W.P.(MD) Nos.19428 & 21951 of 2023

WEB COPY

concerned, within a period of twelve weeks from the date of receipt of a copy of this order. Till final order is passed, the interim order already granted by this Court on 08.09.2023 is to continue and the official respondents shall not take any coercive action.

5. With the above directions, these writ petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

07.03.2024

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

krk

To:

- 1.The Commissioner,
Thoothukudi City Municipal
Corporation (South Zone),
No.113, Palai Road,
Thoothukudi-628 002.
- 2.The District Collector /
Member Secretary,
Local Town and Country Planning,
Tuticorin District, Tuticorin.



WEB COPY



W.P.(MD) Nos.19428 & 21951 of 2023

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

krk

W.P.(MD) Nos.19428 & 21951 of 2023
and
W.M.P.(MD) Nos.16072 & 18308 of
2023

07.03.2024