



W.P(MD)No.12191 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM:

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

W.P(MD)No.12191 of 2018

R.Santhanakrishnan

... Petitioner

VS.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Director,
Town and Country Planning,
Madurai.

3.Vinayagamoorthy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take action on the illegal construction put up by the third respondent at Ward No.85, Door No.17, North Perumal Mastriveethi, Madurai in violation of planning permission and demolish the unauthorized construction based on the petitioner's representation, dated 28.02.2018.



W.P(MD)No.12191 of 2018

WEB COPY

For Petitioner	: Mr.B.Prasanna Vinoth
For Respondent No.1	: Mr.K.K.Kannan
For Respondent No.2	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.3	: Mr.A.Balaji

ORDER

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

The petitioner has filed the present Writ Petition to direct the respondents 1 and 2 to take action on the illegal construction put up by the third respondent at Ward No.85, Door No.17, North Perumal Mastriveethi, Madurai in violation of planning permission and demolish the unauthorized construction based on the petitioner's representation, dated 28.02.2018.

2.When the matter was taken up for hearing today, learned counsel appearing for the third respondent would submit that the authority concerned has issued notice to the third respondent by pointing out the deviation in the construction, which is contrary to the building plan approval



W.P(MD)No.12191 of 2018

WEB COPY

and he seeks remedy to approach the authority concerned under Section 135 of the Madurai City Municipal Corporation Act, 1971.

3.In view of the above, the prayer sought for by the petitioner cannot be accepted, since according to the petitioner, the third respondent has illegally constructed the building. Accordingly, the Writ Petition is dismissed. However, we make it clear that if no permission has been obtained by the third respondent for the deviation portion, it is open to the authority concerned to take necessary action in accordance with law, after issuing notice to the parties concerned. No costs.

[D.K.K.,J.] [R.V.,J.]
06.03.2024

NCC : Yes / No

Index : Yes / No

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To

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3/4



WEB COPY



W.P(MD)No.12191 of 2018

D. KRISHNAKUMAR,J.
and
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ORDER MADE IN
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