



W.P(MD)No.20538 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.20538 of 2015
and
M.P(MD)No.1 of 2015**

Leela Kurian

... Petitioner

VS.

- 1.The Commissioner,
Madurai City Corporation,
Anna Maligai,
Madurai – 02.
- 2.The Chief Town Planning Officer,
Anna Maligai,
Madurai City Corporation,
Madurai – 02.
- 3.The Executive Engineer (Planning),
Anna Maligai,
Madurai City Corporation,
Madurai – 02.
- 4.R.P.Hariram

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 03.10.2015 and based on

1/5



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that conduct the spot inspection at Door No.147, T.S.No.126, East Veli Street, Madurai by providing an opportunity to the petitioner and consequently direct the respondents 1 to 3 to demolish the illegal construction made by the fourth respondent in violation of the approved plan dated 15.06.2015 in proceedings No.B.R.No.410/2015, Survey No.3/12397/2015 within the time stipulated by this Court.

For Petitioner	: Mr.V.Muthukamatchi
For RR 1 to 3	: Mr.S.Vinayak
For R – 4	: Mr.V.P.Rajan

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 03.10.2015 and to conduct spot inspection at Door No.147, T.S.No.126, East Veli Street, Madurai, by providing an opportunity to the petitioner and consequently direct the respondents 1 to 3 to demolish the illegal construction made by the fourth respondent in violation of the approved plan dated 15.06.2015 in proceedings No.B.R.No. 410/2015, S.No.3/12397/2015 within the time stipulated by this Court.



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2.According to the petitioner, there is a deviation as per the building approved plan and therefore, action is to be taken for demolishing the deviation portion in the aforesaid property in T.S.No.128, Zone No.3, No.1A, Velayutham Pillai 2nd Lane, Madurai made by the fourth respondent.

3.The learned counsel appearing for the fourth respondent submitted that the fourth respondent is no more. He further submitted that if there is any deviation, the authority concerned shall take necessary action by conducting inspection in the property in question, as per Rules.

4.Considering the submissions made on either side, the respondent Municipality is directed to conduct inspection in the property in question and if there is any unauthorized construction or deviation, the respondent Municipality is directed to consider the representation of the petitioner, dated 03.10.2015 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the petitioner and fourth respondent or legal heirs. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

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

To

- 1.The Commissioner,
Madurai City Corporation,
Anna Maligai,
Madurai – 02.
- 2.The Chief Town Planning Officer,
Anna Maligai,
Madurai City Corporation,
Madurai – 02.
- 3.The Executive Engineer (Planning),
Anna Maligai,
Madurai City Corporation,
Madurai – 02.



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D. KRISHNAKUMAR,J.
and
M.DHANDAPANI,J.

ps

ORDER MADE IN
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DATED : 11.01.2024