



W.P(MD)No.13634 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.13634 of 2018
and
W.M.P(MD)No.12403 of 2018**

Viswanathan

... Petitioner

VS.

- 1.The Commissioner,
Madurai Corporation,
Arignar Anna Mazhigai,
Thallakulam,
Madurai – 625 020.
- 2.The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai.

... Respondents

(R – 2 is suo motu impleaded vide order
dated 16.08.2018)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the first respondent in M2/A10/10244/18, dated 12.06.2018 and quash the same as illegal and forbearing the respondents from taking any steps over the shed

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made by the petitioner in Flat No.20 for the extent of 14'00" X 10'00" at Ward No.33, Anna Nagar Housing Board, New HIG Colony, Anna Nagar, Madurai – 20.

For Petitioner	: Mr.N.Madhava Govindan for Mr.K.Neelamegam
For Respondent No.1	: Mr.S.Vinayak
For Respondent No.2	: Mr.R.Janarthanan

ORDER

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

The petitioner has filed the present Writ Petition to quash the impugned notice issued by the first respondent, dated 12.06.2018 and and to forbear the respondents from taking any steps over the shed made by the petitioner in Flat No.20 for the extent of 14'00" X 10'00" at Ward No. 33, Anna Nagar Housing Board, New HIG Colony, Anna Nagar, Madurai – 20.

2.When the matter was taken up for hearing today, learned counsel appearing for the first respondent would submit that as there was TIN sheeted encroachment in the Ground floor, the impugned notice, dated 12.06.2018 has been issued by the first respondent under Sections 282,



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WEB C 296(1) (2) of the Madurai City Municipal Corporation Act, 1971. However, the petitioner has not given any reply.

3.In view of the above, the petitioner is directed to give an explanation or reply to the aforesaid notice issued by the first respondent within a period of three weeks from the date of receipt of a copy of this order. If any explanation or reply has been received by the first respondent, it is for the authority concerned to consider the same and pass orders on merits and in accordance with law. If no such reply or explanation has been sent by the petitioner within the prescribed time, it is open to the authority concerned to remove the unauthorized construction in the TIN sheeted in the ground floor, in accordance with law, after issuing notice to the parties concerned.

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

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

NCC : Yes / No
Index : Yes / No

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

ps

ORDER MADE IN
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DATED : 06.03.2024