



W.P(MD)No.21099 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.21099 of 2024

N.Sankar

... Petitioner

VS.

1. The Principal Secretary (Town and Country Planning),
Tamilnadu Government,
O/o. Director of Town and Country Planning,
Secretariat,
Chennai-600 009.

2. The Commissioner,
Madurai Municipal Corporation,
Madurai,.

3. The Executive Engineer (Project Town Planning),
Madurai Corporation,
Madurai.

4. The Member Secretary,
Local Plannning Authority (DTCP),
Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, seeking direction to direct the 2nd respondent herein to reopen the premises for the purpose of rectification of deviation area of the



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constructed building situated in Survey Nos.51/10 and 51/11 in ward 66 Melakal main road, Madurai, in the light of the order in W.P(MD)Nos. 16120/2023 dated 30.08.2023 and consider the petitioner's representation dated 12.07.2024.

For Petitioner : Mr.K.Govindarajan for Mr.P.Venkatesan
For R1 & R4 : Mr.S.P.Maharajan
Special Government Pleader
For R2 & R3 : Mr.F.Deepak

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Mr.F.Deepak, learned counsel appearing for the respondents 2 and 3 would submit that the time of one year sought for by the petitioner to bring the building in compliance with the approved plan is highly excessive and it could be an attempt to occupy the building as it is.

2. Mr.K.Govindarajan, learned counsel appearing for the petitioner would, however, submit that since care has to be taken to ensure that the retainable portion of the building is not affected while carrying out the demolition and reconstruction, the work will have to necessarily proceed slowly and therefore, one year time may be granted.



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3. Considering the overall circumstances, we find that eight months time could be granted to the petitioner to bring the building in conformity with the approved plan. The respondents 2 and 3 are directed to de-seal the premises within a period of one week from today. The petitioner shall not put the building to any use. The petitioner shall make all endeavours to bring the building in conformity with the approved plan within the time granted. If the petitioner is unable to achieve the goal of bringing the building in conformity with the approved plan within the time granted by us for compelling reasons, he can seek extension of time subject to satisfaction of this Court.

4. The Writ Petition is disposed of on the above terms. No costs.

(R.S.M, J.) (L.V.G, J.)
06.09.2024

Index : Yes / No

Neutral Citation : Yes / No

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To

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Tamilnadu Government,
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Secretariat,
Chennai-600 009.



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and
L.VICTORIA GOWRI, J.

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2. The Commissioner,
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3. The Executive Engineer (Project Town Planning),
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ORDER MADE IN
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