



W.P.(MD) No.933 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) No.933 of 2015
and
M.P.(MD) No.1 of 2015**

A.R.Sivakami

... Petitioner

-VS-

1.The Commissioner of Madurai Corporation
Office of the Commissioner
Annamaligai
Madurai, Madurai District

2.The Deputy Director
Town and Country Planning
No.4, Hakkim Amalkhan Road
Chinnna Chokikulam
Madurai

3.The Member Secretary (in charge)
Local Planning Authority
Madurai
Madurai District

4.Dr.Meiyyappan

... Respondents



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WEB C PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to initiate appropriate action to remove unauthorized construction made by the fourth respondent in Door No.55, Rathinasamy Nadar Road, Bibikulam, Madurai District.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Vinayak for R1
No appearance for R2
Mr.T.Amjadkhan
Government Advocate for R3
Mr.S.Poornachandran for R4

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 3 to initiate appropriate action to remove the unauthorized construction made by the fourth respondent in Door No.55, Rathinasamy Nadar Road, Bibikulam, Madurai District.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the fourth respondent submitted that the fourth respondent has obtained a revised plan as early as on 23.11.2007 much prior to the filing of this writ petition. However, without disclosing the said fact, the



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petitioner has filed the present writ petition. Hence, this writ petition is liable to be dismissed.

3. It is seen that this writ petition is of the year 2015; on 23.11.2007 itself, the fourth respondent has obtained a revised plan; though the fourth respondent has filed a counter affidavit in the month of March, 2016, till date the petitioner has not filed any reply affidavit to the same. Hence, for all these reasons, we are not inclined to entertain this writ petition at this length of time.

4. Accordingly, this writ petition is dismissed. However, if the petitioner is still aggrieved, it is open to him to workout his remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[M.S.K., J.]

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

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To:

The Member Secretary (in charge),
Local Planning Authority,
Madurai,
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