



WEB COPY

W.P.(MD)No.23506 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

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

**W.P.(MD)No.23506 of 2024
and
W.M.P.(MD)Nos.19891 and 19892 of 2024**

D.Kavitha

... Petitioner

-VS-

- 1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai-625 001.
- 2.The Assistant Commissioner,
Central Zone No.III,
Madurai Corporation,
Madurai-625 001.
- 3.The Executive Engineer Planning,
Central Town Planning Section,
Aringar Anna Maligai,
Madurai-625 001.

4.Prabakaran

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of letter **ந.க.எண் ம 3 D 2/L1/006246/2022 dated 30.08.2024** in forming to demolish the building constructed by deviating the approved plan, quash the same and further direct the respondents 1 to 3 to give necessary approval to the revised plan submitted by the petitioner.

<https://www.mhc.tn.gov.in/judis>



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For Petitioner : Mr.S.Vijayakumar
For R-1 & R-2 : Mr.K.Mani Sekaran
For R-3 : Mr.S.R.A.Ramachandran,
Additional Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

By consent of both parties, this writ petition is taken up for final hearing, at the admission stage itself.

2. The prayer in the writ petition reads as follows:

*“To issue a Writ of Certiorarified Mandamus, to call for the records in respect of letter **ந.க.எண் ம 3 D 2/L1/006246/2022 dated 30.08.2024** informing to demolish the building constructed by deviating the approved plan, quash the same and further direct the respondents 1 to 3 to give necessary approval to the revised plan submitted by the petitioner.”*

3. It is seen that pursuant to the notice issued under Section 135 of the Urban Local Bodies Act, 1998, the petitioner has filed an application under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, admitting that he has put up the construction in violation of the planning permission granted. Even during the enquiry conducted pursuant to the notice issued under Section 135, it appears that the petitioner has agreed to remove the offending portions of the construction which are in violation of the sanctioned plan. The petitioner has also paid the demolition fee.



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4. The learned counsel for the petitioner would only seek time to remove the unauthorized construction.

5. The learned counsel for the corporation would submit that the petitioner herself has paid the demolition fee on 30.09.2024 and has started removal.

6. In view of the same, the petitioner is granted three months time from today to remove the construction. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]
03.10.2024

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

To

The Executive Engineer Planning,
Central Town Planning Section,
Aringar Anna Maligai,
Madurai-625 001.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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