



W.P(MD)No.16865 of 2016

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.16865 of 2016
and
W.M.P(MD)No.12228 of 2016**

A.Leemarose Boobalarayar

... Petitioner

VS.

1.The Tirunelveli City Municipal Corporation,
Represented by its Commissioner,
Swamy Nellaiyappar High Road,
Tirunelveli – 627 001.

2.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli – 627 002.

3.The Assistant Engineer (Planning),
Tirunelveli City Municipal Corporation,
Tirunelveli – 627 001.

4.Anitha

... 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 herein to consider the representations of the petitioner, dated 22.02.2016,



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30.04.2016, 03.05.2016 and 19.05.2016 and to take appropriate action on the representations submitted by the petitioner by invoking the provisions of Coimbatore City Municipal Corporation Act.

For Petitioner	: Mr.D.Srinivasa Ragavan
For Respondent Nos.1 to 3	: Mr.Aayiram K.Selvakumar
For Respondent No.4	: No appearance

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 representations of the petitioner, dated 22.02.2016, 30.04.2016, 03.05.2016 and 19.05.2016 and to take appropriate action by invoking the provisions of Coimbatore City Municipal Corporation Act.

2.According to the petitioner, the fourth respondent has constructed the building in question without obtaining building approval from the competent authority. Hence, the petitioner sent representations dated 22.02.2016, 30.04.2016, 03.05.2016 and 19.05.2016 to the



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authority concerned. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the respondents 1 to 3 Corporation would submit that without obtaining planning permission, the fourth respondent has constructed the building in question in the ground floor to an extent of 416 sq. feet and a notice, dated 01.09.2016 has been issued to the fourth respondent under Sections 274, 296(1) and (2) of the Municipal Corporation Act, 1994.

4.Considering the facts and circumstances of the case and also considering the fact that the fourth respondent has unauthorizedly constructed in the building in question, we direct the first respondent Corporation to take necessary action for removal of the unauthorized constructed made by the fourth respondent in the building in question, in accordance with law, after giving notice to the parties concerned. The said exercise shall be completed within twelve weeks from the date of receipt of a copy of this order.



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

[D.K.K.,J.] [R.V.,J.]
06.03.2024
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NCC : Yes / No
Index : Yes / No
ps



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To

- 1.The Commissioner,
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 06.03.2024
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