



W.P.(MD) No.23474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

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

**W.P.(MD) No.23474 of 2024
and
W.M.P.(MD)No.19870 and 19871 of 2024**

1.Keerthikumar

2.Navya

... Petitioners

-vs-

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Member Secretary,
Madurai Local Planning Authority,
Arignagar Anna Maligai, III Floor,
Madurai Corporation Building,
Tallakulam, Madurai.

3.The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai 625 016.

4.M.Sulaiman

5.M.Masthan Ali

6.M.Nathar Ibrahim

7.Nagoor Kani



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8.Rethna Jeyam Suresh

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized constructions made by the respondents 4 to 8 in the common area or the land, which are reserved for common use for all the flat owners in Block No.A8 in Resurvey No.161/1A Part & 168/8 Part situated at Madurai Corporation ward No.44, M.I.G. Colony, K.K.Nagar, Madurai and also direct to ensure that the respondents 4 to 8 shall not to put up any construction.

For Petitioners	: Ms.N.Krishnaveni, Senior Counsel For Mr.M.Gnana Guru Nathan
For 1 st Respondent	: Mr.S.Vidyasagat
For 2 nd Respondent	: Mr.S.P.Maharajan Special Government Pleader
For 3 rd Respondent	: Mr.R.Sivakumar
For Respondents 4 to 7	: Mr.J.Lawrence

ORDER

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

Mr.S.Vidyasagat, learned counsel takes notice for the 1st respondent. Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 2nd respondent. Mr.R.Sivakumar, learned counsel takes notice for the 3rd respondent. Mr.J.Lawrence, learned counsel takes notice for the respondents 4 to 7.

2.It is the complaint of the petitioners that the respondents 4 to 8 have put up construction in the common area in an apartment complex



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developed by the Tamil Nadu Housing Board. Tamil Nadu Housing Board has washed off its hands stating that it has constructed and handed over the flats and it no longer exercises any control over the property.

3.The learned counsel for the respondents 4 to 7 would submit that they have planning approval for the construction put up by them and it is the petitioners and their vendors, who have put up shops in the common area and let out the shops also.

4.In this backdrop, we deem it fit to direct the Commissioner, Madurai Corporation, to cause an inspection of the area through his officials and take action to remove the unauthorized constructions put up anywhere inside the apartment complex. The learned counsel for the Housing Board is directed to hand over the copy of the plan of the construction put up by the Housing Board to the Madurai Corporation. The Madurai Corporation will issue appropriate notices under the Town and Country Planning Act and take action to remove all the unauthorized constructions that are found inside the apartment complex, by following the procedure prescribed under the Town and Country Planning Act. Let the needful be done within a period of 12 weeks from the date of receipt of copy of this order.



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5.The Writ Petition is disposed of with the above observation. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

15.10.2024

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

To

The Member Secretary,
Madurai Local Planning Authority,
Arignagar Anna Maligai, III Floor,
Madurai Corporation Building,
Tallakulam, Madurai.



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

Mrn

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