



W.P.(MD)No.25163 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25163 of 2022

and

W.M.P.(MD)Nos.19261 of 2022

Thanjavur City Municipal Corporation,
Employees Co-op Housing Society Ltd., T.1818,
Rep. by its Secretary,
Mr.A.Sebasthiraj,
S/o.E.Arulanandu,
Kauvery Super Market,
South Rampart,
Thanjavur – 613 001.

: Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director of Municipal Administration,
75, Santhome High Road,
Pattinapakkam, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 004.



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3.The Commissioner,
Thanjavur Corporation,
Thanjavur.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents from putting up any unauthorized constructions in the land in Survey No.327/2, Plot No.B15, Neelgiri Therku Thottam Village, Medical College Road, Municipal Colony, Thanjavur belonging to the petitioner's society, without following due process of law and consequently direct the third respondent forthwith to clear all arrears of rent payable to the petitioner society as per the Resolution No.672 dated 23.07.1977.

For Petitioner : Mr.M.Rajarajan
For Respondents 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent No.3 : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

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

The present writ petition has been filed seeking to forbear the respondents from putting up any unauthorized constructions in the land in Survey No.327/2, Plot No.B15, Neelgiri Therku Thottam



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Village, Medical College Road, Municipal Colony, Thanjavur belonging to the petitioner's society, without following due process of law and for a consequential direction to the third respondent to clear all arrears of rent payable to the petitioner society as per the Resolution No.672 dated 23.07.1977.

2.The writ petitioner is an employee of the Cooperative Housing Society, Thanjavur City Municipal Corporation. According to the petitioner, the respondent Corporation is a tenant under the aforesaid Society and they are now making an attempt to put up an additional construction in the aforesaid property. Therefore, such attempt made by the respondent Corporation for construction of the building without getting the consent of the petitioner Society is clearly a violation of the agreement and the same is illegal. Therefore, the present Writ Petition has been filed.

3.Learned Standing Counsel appearing for the respondent Corporation has stated before this Court that the respondent Corporation will not carry out any additional construction in the aforesaid property without getting the consent of the petitioner society.

4.Recording the aforesaid statement, as far as the first limb of the prayer is concerned, it is fairly submitted by the



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respondent Corporation that additional construction may not be carried out in the said property, without getting any consent from the petitioner Society. Therefore, we direct the respondent Corporation to carry out any further construction only after getting consent from the petitioner Society or any other authorised persons.

5.Insofar as the second limb of the prayer is concerned, it is for the petitioner society to seek for the remedy before the concerned forum.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]

27.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

- 1.The Principal Secretary,
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Municipal Administration and Water Supply Department,
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Chennai – 600 009.
- 2.The Director of Municipal Administration,
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Pattinapakkam, MRC Nagar,
Raja Annamalaipuram,
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- 3.The Commissioner,
Thanjavur Corporation,
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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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