



W.P.(MD) No.23860 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.23860 of 2017

C.Chellammal

... Petitioner

-Vs-

1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.

2.The Assistant Commissioner,
Madurai Corporation,
Zone-II, Madurai.

3.Vivek

... Respondents

(R3 is impleaded vide Court order dated 09.03.2018 in W.M.P.(MD)No.530 of 2018)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 30.11.2017 and pass appropriate orders on merits and in accordance with law within a time frame fixed by this Court.



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For Petitioner : Mr.K.Rajeswaran
For R1 & R2 : Mr.K.Sivabalan,
Standing Counsel
For R3 : Mr.PT.S.Narendravasan

ORDER

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

This Writ Petition is filed, seeking for a direction to the 2nd respondent to consider the representation of the petitioner dated 30.11.2017 and pass appropriate orders on merits and in accordance with law within a time frame to be fixed by this Court.

2.According to the petitioner, the 3rd respondent has made an unauthorized construction in the public pathway. Therefore, the petitioner made a representation dated 30.11.2017 to the respondents 1 and 2 to take appropriate action against the 3rd respondent. Since the same has not been considered so far, the petitioner is constrained to move the present Writ Petition with the aforesaid prayer.

3.The learned counsel appearing for the 3rd respondent denied the said contention and submitted that the issued involved in this Writ Petition is purely civil in nature and two civil suits are pending between the petitioner and the 3rd



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respondent. However, the petitioner states that this Writ Petition is only concerned with the removal of unauthorized construction made by the 3rd respondent.

4.In view of the said submissions made on either side, we are of the view that as far as the unauthorized construction is concerned, the respondent Corporation is the competent authority to take necessary action. Therefore, considering the limited prayer sought for in this Writ Petition, without going into the merits of the case, we direct the petitioner to send a copy of the representation dated 30.11.2017 along with this order copy to the respondent Corporation, who in turn, is directed to consider the same and pass appropriate orders on its own merits and in accordance with law, after providing opportunity to all the parties concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
29.02.2024

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



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AND

R.VIJAYAKUMAR, J.

Yuva

To

- 1.The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai.
- 2.The Assistant Commissioner,
Madurai Corporation,
Zone-II, Madurai.

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