



WP(MD). No.7381 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 07.04.2025

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THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE P.B. BALAJI

WP(MD). No.7381 of 2013
and
MP(MD) No.1 of 2013

D.Kanmani

... Petitioner

Vs

1. The Corporation of Madurai,
Through its Commissioner,
Arigar Anna Maligai,
Madurai - 625 002.
2. Madurai Local Planning Authority,
Rep. Through its Member Secretary,
Corporation Building Complex,
III Floor, Arigar Anna Maligai,
Madurai - 625 002.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned notice issued by the 2nd Respondent under the proceedings Na.Ka.No.226/13/mathi2 dated 02.04.2013, under Section 56, 57 and 85 of Tamilnadu Town and Country planning Act, 1971 and the same ultra virus, illegal, without jurisdiction & not valid in law and consequently forbearing the 2nd Respondent not to interfere with the Petitioner's construction in accordance with planning permit No. NE7/11433/2010 dated 28.07.2010 and building plan approval No. 346/10 dated 28.07.2010 of the 1st Respondent.



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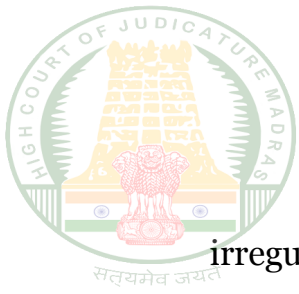
For Petitioner : Mr.M.Ponniah
For Respondent : Mr.K.K.Kannan
Standing Counsel (R1)
Mr.P.Thilakkumar
Government Pleader (R2)

ORDER

(Order of the Court was made by
the Hon'ble the Chief Justice)

Mr.P.Thilakkumar, learned Government Pleader, states that what is impugned is only a notice to remove the unauthorised construction within 30 days. He further submitted that petitioner may go and explain to the concerned authority with all necessary permissions and documents and show cause as to why the unauthorized construction should not be removed.

2. Mr.P.Thilakkumar also submitted that the case of petitioner that first respondent had given planning permission is itself unacceptable, because first respondent had not only granted the planning permission for buildings beyond the powers delegated to them, but had also signed for Members Secretary, Madurai Local Planning Authority, without any authorization. Most of these irregularities had taken place in between 2006 to 2010. Later on, when these



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irregularities came to light, the Secretary, Municipal Administration, Chennai, had also initiated disciplinary action against the Chief Town Planning Officer, Madurai Corporation, for the illegal grant of permissions by the Chief Town Planning Officer, Madurai Corporation. It is further submitted that the first respondent approved the plan on behalf of Local Planning Authority also by affixing the office seal of the Local Planning Authority, when there is no scope to give such authorization. It is nothing but forgery.

3. Mr.M.Ponniah, learned counsel, states that reply to the notice will be given within 15 days. Statement recorded.

4. Petition is disposed of. We clarify that we have not made any observations on the merits of the matter.

No order as to costs. Consequently, interim application stands closed.

(K.R.SHRIRAM, C.J.)

(P.B.BALAJI, J.)

07.04.2025

NCC : Yes/No
Index : Yes/No
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THE HON'BLE CHIEF JUSTICE

AND

P.B.BALAJI, J.

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To

1. Madurai Local Planning Authority,
Rep. Through its Member Secretary,
Corporation Building Complex,
III Floor, Arigar Anna Maligai,
Madurai - 625 002.

**ORDER IN
WP(MD) No.7381 of 2013**

Date: 07.04.2025