



WEB COPY



W.P.(MD) No.3395 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.(MD)No.3395 of 2025

M.Kanthimathinathan

... Petitioner

-Vs-

1.The Secretary,
Municipal Administration and
Water Supply Department,
Govt., of Tamil Nadu,
Secretariat, Fort Saint George,
Chennai-600 009.

2.The District Collector,
Collectorate,
Thoothukudi-628 001.

3.The Commissioner,
Thoothukudi Corporation,
113, Palayamkottai Road,
Thoothukudi-628 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's petition dated 16.12.2024 to avoid demolition of the old building in Door No.45,

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3rd Mile Puthukudi II, Thoothukudi-628 008.

For Petitioner : Mr.S.Radhakrishnan
For R1 & R2 : Mr.M.Sarangan,
Additional Government Pleader
For R3 : Mr.N.Anandakumar
Standing Counsel

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.This writ petition is filed for a writ of mandamus directing the third respondent to consider the representation dated 26.12.2024 given by the petitioner herein pursuant to the demolition notice issued to the petitioner on 12.12.2024 under Sections 134, 135(1),(6) and 180 of Tamil Nadu Urban and Local Bodies Act, 1998.

3.According to him, his old ancestral building at Door No.45, 3rd Mile, Puthukudi, got damaged during flood in the year 2023 and therefore, he removed the damaged portion and put up new construction using hollow block bricks. Whiles, by notice dated 12.12.2024, the Commissioner of Thoothukudi



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Corporation, has caused notice to remove the illegal construction within a period of 15 days, since no permission obtained for the aforesaid construction. For which, the present writ petition is filed stating that the petitioner's representation dated 26.12.2024 must be considered.

4.The learned counsel for the third respondent submitted that the writ petitioner under the guise of renew the damaged portion of the house had put up new construction without permission. The entire structure stand without permission and therefore, notice was issued on 12.12.2024 calling for explanation while the unauthorized construction should not be demolished. In response to the notice issued under Sections 134, 135(1)(6) and 180 of the Tamil Nadu Urban and Local Bodies Act, the writ petitioner admitted the construction without permission has stated that he only put up a temporary building with hollow block bricks and AC sheet roof to support the existing structure. This explanation found not satisfactory and therefore, the third respondent has issued demolition notice on 21.01.2025. Instead of challenging the demolition notice, the petitioner has approached this Court seeking mandamus to consider his representation.

5.This Court, on perusing the records, finds that the as the show cause notice was issued by the third respondent dated 12.12.2024, the writ petitioner has



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forwarded his representation dated 26.12.2024 through registered post. The postal acknowledgment card indicates that the representation was received on 30.12.2024. Thus, while passing the final order on 21.01.2025, the representation of the writ petitioner very well received by the third respondent for consideration. However, the final order dated 21.01.2025 does not indicate about the representation or due consideration of the representation. Therefore, this Court is of the view that the third respondent to consider the representation of the petitioner dated 26.12.2024, which has been received by then on 30.12.2024 and to pass appropriate orders. Before passing an order, the writ petitioner shall be given an opportunity to rectify the defects pointed out to avoid the demolition.

6. With the above observations, this Writ Petition is disposed of. No costs.

[G.J., J.] & [R.P., J.]

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NCC : Yes / No
Index : Yes / No

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