



WP(MD). No.3721 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 25/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.3721 of 2025 and
WMP(MD) Nos.2673 and 2674 of 2025

A.Murugarajan

... Petitioner

v.

1. The Commissioner,
Madurai Corporation, Madurai..

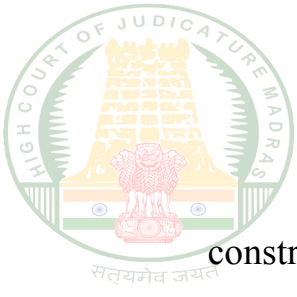
2. The Assistant Commissioner,
Zone V, Madurai Corporation,
Thiruparankundram, Madurai..

3. The Town Planning Officer,
Madurai Corporation, Madurai..

4. Mohan

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating the proceedings of the 2nd respondent made in Ma5 E1/005656/2024 dated 23.01.2025 and quash the same and consequently direct the respondents Nos.1 to 3 to approve the



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construction of stair case in terms of Section 135 of Tamil Nadu Urban Local Bodies Act, 1998 at Door No. 190-B, Thirumuguran Colony, Thirunagar, Madurai.

For Petitioner : Mr.R.Murali
For Respondents : Mr.F.Deepak for R1 to R3

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed challenging the impugned order of the 2nd respondent in Ma5 E1/005656/2024 dated 23.01.2025 and for a direction to the respondents Nos.1 to 3 to approve the construction of stair case in terms of Section 135 of Tamil Nadu Urban Local Bodies Act, 1998 at Door No. 190-B, Thirumuguran Colony, Thirunagar, Madurai.

3. It is the case of the petitioner that the building, where the petitioner and the 4th respondent/brother of the petitioner are residing,

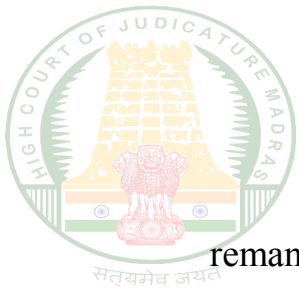


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was constructed by their parents in the year 1978. After their demise, partition was effected and the petitioner is residing in the first floor and the 4th respondent is in the ground floor. Since the staircase to the first floor was in dilapidated condition, the same was demolished and the petitioner had constructed a staircase in front of the house, which, according to the respondent Corporation is an encroachment and without approval/permission from them, they have issued the impugned proceedings.

3.1. It is his further case that with regard to the property, suits are pending between the siblings and on the complaint given by the 4th respondent brother, the 2nd respondent has initiated action by issuing the impugned proceedings. It is the grievance of the petitioner that as per Section 135 of the Urban Local Bodies Act, the respondent Corporation has every power to grant approval of the construction made and therefore, prays for appropriate direction.

4. The learned counsel for the respondent Corporation would submit that the impugned order may be set aside and the matter may be



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remanded back to the Corporation for passing fresh orders in the light of Section 135 of the Urban Local Bodies Act.

5. We have heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. In view of the said submission and considering the facts and circumstances of the case, the impugned order is set aside and the matter is remanded back to the respondents to pass orders afresh on merits and in the light of Section 135 of the Urban Local Bodies Act.

7. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

[J.N.B.,J]

[S.S.Y.,J]

25.03.2025

NCC : Yes/No

Index : Yes/No

RR



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AND
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RR

ORDER
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