



W.P.(MD) No.12677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.12677 of 2025

and

W.M.P.(MD)No.9181 of 2025

P.Ganesh

... Petitioner

-Vs-

1.The Deputy Director of Town and Country Planning,
Madurai Local Planning Authority,
Madurai.

2.The City Planner,
Madurai Corporation,
Anna Maaligai, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders on the petitioner's revision plan / retention application dated 28.03.2025 within the time stipulated by this Court and consequently, forbear the respondents from taking any coercive action pending the disposal of the retention application by operation of Section 56(4) of the Tamil Nadu Town and Country Planning Act, 1971 in light of the order made by this Court in N.Deepa Vs. Commissioner, Madurai Corporation in W.P.(MD)No.18350 of 2017 dated 27.09.2017.

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For Petitioner : Mr.M.Mahaboob Athiff
For R1 : Mr.S.S.Madhavan,
Additional Government Pleader
For R2 : Mr.K.K.Kannan

ORDER

[Order of the Court was made by *S.SRIMATHY, J.*]

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

2.The 2nd respondent has initiated action against the petitioner by issuing a notice dated 25.03.2025 under Section 56(1) of Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') alleging that the petitioner's hospital building is constructed with certain minor deviation and it is unauthorized construction. Section 56(4) of the Act permits the petitioner to submit an application to revise the plan to retain the building. Hence, after receipt of the notice, the petitioner submitted an application to retention dated 28.03.2025. Hence, the petitioner's application ought to be considered in accordance with law.

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3. In such view of the matter, the respondents are directed to consider the application of the petitioner dated 28.03.2025 within a period of four months from the date of receipt of a copy of this order. Till such time, the unauthorized construction shall not be removed.

4. With this direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
29.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Deputy Director of Town and Country Planning,
Madurai Local Planning Authority,
Madurai.
2. The City Planner,
Madurai Corporation,
Anna Maaligai, Madurai.



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