



W.P.(MD) No.13402 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.13402 of 2025

and

W.M.P.(MD)Nos.9640 & 9643 of 2025

The Subbulakshmi Nursing Home,
No.473 & 475, East Swami Sanithi Street,
Tenkasi, Tenkasi District-627 811,
Rep. by its Proprietor,
Subramanian

... Petitioner

-Vs-

1.The Commissioner,
Office of the Commissioner,
Tenkasi Municipality, Tenkasi.

2.The Inspector of Police,
Town Police Station, Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 1st respondent vide Na.Ka.No.3040/2024/F1, dated 28.01.2025 vide Na.Ka.No.3040/202/F1, dated 18.02.2025 and vide Na.Ka.No.3040/2023/F1, dated 16.04.2025 and quash the same as illegal and unconstitutional.

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For Petitioner : Mr.P.Mahendran
for Mr.R.Murali
For R1 : Mr.P.Aathimoolapandian
For R2 : Mr.A.Albert James,
Government Advocate (Crl.Side)

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.Pursuant to the Public Interest Litigation filed by one Muthu Perumal in W.P.(MD)No.21409 of 2024, the present impugned orders are passed against the petitioner treating some portions of the building as unauthorized construction.

3.The contention of the petitioner is that he has already obtained planning permission for ground floor + two floors. However, other floors were constructed without planning. Therefore, the petitioner seeks permission to approach the 1st respondent to explain that the construction is not unauthorized and further, the petitioner is having remedy to file a retention petition before the 1st respondent. Accordingly, this Court permits the petitioner to approach the 1st

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respondent to explain that the construction is not unauthorized construction within a period of one week from the date of receipt of a copy of this order and if the 1st respondent is not satisfied with the explanation, the petitioner has to submit retention application within a period of two weeks thereafter. On receipt of such application, the 1st respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

4. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Commissioner,
Office of the Commissioner,
Tenkasi Municipality, Tenkasi.
2. The Inspector of Police,
Town Police Station, Tenkasi,
Tenkasi District.

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