



C.M.P.(MD)No.9098 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**C.M.P.(MD)No.9098 of 2025
in
W.A.(MD)No.SR48645 of 2025**

T.Mariselvi

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Commissioner,
Municipal Office,
Bodinayakkanur Taluk,
Theni District.

3.S.Dhanarani

... Respondents

Prayer in C.M.P.(MD)No.9098 of 2025 : Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code to grant leave to the petitioner/ appellant to file the Writ Appeal as an aggrieved third party against the order in W.P.(MD)No.14592 of 2025 dated 22.05.2025 passed by this Court.



C.M.P.(MD)No.9098 of 2025

WEB COPY

Prayer in W.A.(MD)No.SR48645 of 2025: Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.14592 of 2025 dated 22.05.2025 on the file of this Court.

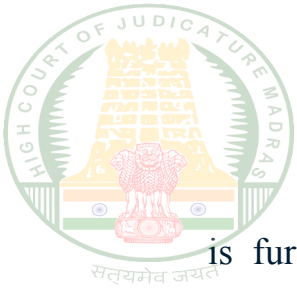
For Petitioner : Mr.Y.Prakash

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1.

ORDER
(By G.R.SWAMINATHAN, J.)

The third respondent herein filed W.P.(MD)No.14592 of 2025 for directing the municipal authorities to permit the writ petitioner to demolish the petition mentioned building. The learned Single Judge vide order dated 22.05.2025 directed the Commissioner, Bodinayakanur Municipality to consider the writ petitioner's request and pass order within a period of four weeks from the date of receipt of a copy of that order. Challenging the same, this third party writ appeal has been filed.

2.The learned counsel for the petitioner states that the writ petitioner is none other than the sister-in-law of the petitioner herein. It



C.M.P.(MD)No.9098 of 2025

is further stated that the petitioner herein is residing in the petition mentioned building for the last thirty years. The petitioner has also filed O.S.No.45 of 2025 on the file of the District Munsif Court, Bodinayakanur and obtained an order of status quo. The grievance of the petitioner herein is that the writ petitioner had suppressed these aspects and obtained an order from the learned Single Judge and since the petitioner herein is not party to the writ proceedings, he seeks leave to file this writ appeal.

3.We are of the view that the matter can be disposed of at this stage itself without formally granting leave to the petitioner herein.

4.It appears that on the strength of the order passed by the learned Single Judge, the writ petitioner obtained a demolition order from the municipal authorities.

5.We permit the petitioner herein to once again move the Commissioner, Bodinayakanur Municipality and bring all these aspects to the notice of the Municipal Commissioner. The Municipal



C.M.P.(MD)No.9098 of 2025

WEB COPY

Commissioner shall re-visit the issue. The Municipal Commissioner will hear the petitioner herein and the writ petitioner and thereafter pass an order in accordance with law. If the said order is adverse to the petitioner herein, it shall be put on hold for a period of three weeks so as to enable the petitioner herein to move the Writ Court for relief. Though already demolition order has been passed and it has been partially enforced, in view of the submission made by the learned counsel for the petitioner herein that status quo has been granted by the jurisdictional civil Court, we direct that no further action shall be taken till the Municipal Commissioner passes order afresh pursuant to this direction.

6.This miscellaneous petition is disposed of accordingly. No costs. Consequently, W.A.(MD)No.SR48465 of 2025 is closed at the SR stage itself.

(G.R.S. J.) & (K.R.S. J.)
18.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 18.06.2025.



C.M.P.(MD)No.9098 of 2025

WEB COPY

To:

- 1.The District Collector,
Theni District.
- 2.The Commissioner,
Municipal Office,
Bodinayakkanur Taluk,
Theni District.



WEB COPY



C.M.P.(MD)No.9098 of 2025

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

ias

C.M.P.(MD)No.9098 of 2025
in
W.A.(MD)No.SR48645 of 2025

18.06.2025