



**C.M.P.(MD)No.11070 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 15.07.2025

CORAM

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

**C.M.P.(MD)No.11070 of 2025  
in  
W.A.(MD)No.SR58128 of 2025**

Kalpana

... Petitioner

Vs.

1.S.Dharwaz Mohaideen

2.The Commissioner,  
Madurai Corporation,  
Madurai.

3.The Assistant Commissioner,  
Madurai Corporation Zone - IV,  
Munichalai, Madurai.

4.The Assistant Engineer,  
Sewage and Underground Sewage Department,  
Santhapettai, Ward No.50, Madurai.

5.The Inspector of Police,  
Theppakulam Police Station,  
Madurai.

... Respondents



**C.M.P.(MD)No.11070 of 2025**

**Prayer in C.M.P.(MD)No.11070 of 2025 :** Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code to grant leave to file writ appeal as against the order dated 19.10.2024 made in W.P.(MD)No.13789 of 2025 on the file of this Court.

**Prayer in W.A.(MD)No.SR58128 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.13789 of 2025 dated 19.10.2024 on the file of this Court.

For Petitioner : Mr.R.Ramanujam

For Respondents : Mr.N.Satheeshkumar,  
Addl. Government Pleader for R4.  
Mr.T.Senthilkumar,  
Addl. Public Prosecutor for R5.

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

This is a third party writ appeal. Since the petitioner herein is not a party to the writ proceedings, she seeks leave of this Bench to file the writ appeal.



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2.The first respondent herein filed W.P.(MD)No.24637 of 2024 to direct the corporation authorities to remove the underground sewage tank and drainage channel said to be located in his patta land. The learned Single Judge vide order dated 19.10.2024 disposed of the writ petition in the following terms:-

*“4.In such view of the matter, this Writ Petition is disposed of with a direction to the authorities concerned to consider the representation of the petitioner and remove the drainage channel, if it is found in the premises of the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs.”*

3.Interest of justice will be met if the petitioner herein is permitted to offer her objections before the Commissioner, Madurai Corporation. The learned counsel for the petitioner states that a fresh representation will be submitted by the petitioner within a period of seven days from today ie., 15.07.2025 before the Commissioner, Madurai Corporation. The Commissioner, Madurai Corporation will pass a speaking order by taking into account all the contentions taken by the petitioner herein. If



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the order to be passed by the Commissioner, Madurai Corporation is adverse to the petitioner herein, it shall not be enforced immediately and a breathing time of four weeks thereafter will be given to the petitioner herein so that the petitioner can move the jurisdictional Court for appropriate relief. Till the expiry of such time line, the petition mentioned underground sewage tank and drainage channel will not be removed. All the contentions of the petitioner are left open.

4.The learned counsel for the appellant is permitted to inform the learned standing counsel for Madurai Corporation about the passing of this order by today ie., 15.07.2025 itself.

5.This miscellaneous petition is disposed of accordingly. No costs. Consequently, connected W.A.(MD)No.SR58128 of 2025 is also disposed of at the SR stage itself.

**(G.R.S. J.) & (K.R.S. J.)**  
**15.07.2025**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To:

- 1.The Assistant Engineer,  
Sewage and Underground Sewage Department,  
Santhapettai, Ward No.50, Madurai.
- 2.The Inspector of Police,  
Theppakulam Police Station,  
Madurai.



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

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