



W.P.(MD) No.20238 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM:

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

AND

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

W.P.(MD)No.20238 of 2016

and

W.M.P.(MD)Nos.14506 of 2016 and 4417 of 2025

P.Nizar Ahamed

... Petitioner

-Vs-

1.The Commissioner,
Cumbum Municipality,
Municipal Office, Cumbum,
Theni District.

2.Jegannathan

... Respondents

(R2 is impleaded vide Court order dated 31.07.2017 made in W.M.P.(MD)No. 17365 of 2016)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent dated 22.09.2016 made in his proceedings Order No.20/2016/F1, which was delivered to the petitioner only on 13.10.2016 and quash the same and consequently, to direct the 1st respondent to consider the petitioner's claim as raised in the petitioner's reply notice dated 23.09.2016, which was acknowledged by the 1st respondent on 27.09.2016.

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For Petitioner : Mr.V.Nagarajan
For R1 : Mr.Hema Karthikeyan,
Standing Counsel
For R2 : Mr.D.Ramesh Kumar

ORDER

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

Challenging the order of the 1st respondent dated 22.09.2016, this Writ Petition is filed with a consequential direction to the 1st respondent to consider the petitioner's claim as raised in his reply notice dated 23.09.2016, which was acknowledged by the 1st respondent on 27.09.2016.

2.Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the 1st respondent would submit that the 1st respondent has no power to regularize the building. The petitioner has to file an appeal before the Council.

3.In view of the above, the petitioner is directed to file an appeal before the Council and the Council is directed to dispose of the appeal on its own merits and in accordance with law. Such an exercise shall be completed within a period

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of six months from the date of receipt of a copy of this order. Till such time, the

1st respondent shall not disturb the construction of the petitioner.

4. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
02.04.2025

NCC : Yes / No
Index : Yes / No

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