



W.P.(MD)No.25518 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.25518 of 2025

and

W.M.P(MD)No.19987 of 2025

Suham Hospitals,
Represented by its Program Officer,
L.Jesuraja, 47A TB Road,
Mehaboobpalayam, Madurai.

...Petitioner

Vs

1.The Director of Municipal Administration,
No.75, Urban Administration Buildings,
Santhom High Road, MRC Nagar, Chennai-28.

2.The Joint Director of Municipal Administration,
Nodal Officer, No.75, Urban Administration Buildings,
Santhom High Road, MRC Nagar, Chennai-28.

3.The Commissioner,
Madurai Corporation Office,
Mela Mart Street, Madurai-625001.

4.The Assistant Commissioner,
Zone 3(Central), Madurai Corporation Office,
Mela Mart Street, Madurai-625001.

5.The Assistant Executive Engineer (Planning),
Madurai Corporation Office,
Mela Mart Street, Madurai-625001.

...Respondents



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Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the respondents in connection with the order dated 11.09.2025 by the fourth respondent and quash the same in so far as the petitioner is concerned and direct the respondents by restraining from taking any coercion action against the petitioner's approved building as constructed as per the process of law.

For Petitioner : Mr.M.Venkatesan
For Respondents : Mr.J.Ashok [R1 & R2]
Additional Government Pleader
Mr.S.Vinayak [R3 to R5]
Standing Counsel

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this order in conjunction with and in continuation of previous order dated 17.08.2025, which reads as follows:

“2.An objection is putforth by Mr.S.Vinayak, learned standing counsel for R3 to R5, challenging the very maintainability of the petition on the ground that sufficient notices have been issued under Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998 (in short 'Act').

3.He draws our attention to Section 135(1) of the Act, in terms of which a notice has been issued on 10.03.2020, calling for a response from the petitioner regarding the alleged deviations and granting a period of 15 days for reply. The deviations are to the extent of 2742 square feet in the property at 47A, TB Road, Mehaboobpalayam, Madurai. No reply was filed to the notice. A second notice has been issued on 26.08.2025, after an survey



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inspection conducted on 03.03.2025. This notice was issued under Section 135(4) of the Act, reiterating the factum of deviations. He states that there has been no response thereto.

4.It is in the aforesaid circumstances that the present impugned order dated 11.09.2025 has come to be passed, calling upon the petitioner to demolish the unauthorized constructions said to have been identified in the aforesaid notices.

5.Learned counsel appearing for the petitioner disputes the submission that there has been no response to the notice dated 26.08.2025 and has placed on record, at page 51, a reply dated 01.09.2025 and proof of service of the same as well at page 50 of the compilation.

6.Admittedly, the petitioner has not been heard after filing of the reply dated 01.09.2025 and the impugned order dated 11.09.2025 has been passed without such hearing. Hence, status quo be maintained till the next date of hearing.

7.List on 15.10.2025. Counters by then with a copy served in advance upon the petitioner.

2.Counter has been filed by R4 today reiterating and confirming the submissions that have been captured by us in order dated 17.09.2025. It is not disputed that an inspection was conducted on 03.03.2025 and a notice has been issued under Section 135(1) on 03.03.2025 calling a response from the petitioner. It is not disputed that the petitioner ignored notice dated 10.03.2025.

3.What transpired thereafter is that a public interest litigation has been instituted by one R.Mayilsamy in W.P.(MD)No.15612 of 2025. The prayer was for a mandamus directing the authorities including the



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Madurai Corporation to lock and seal /demolition and remove the unauthorized construction and building violations by the Suham Hospitals, the petitioner herein in terms of the provisions of the Tamil Nadu Town and Country Planning Act, 1971. It appears that there had been also a direction by the Tamil Nadu Local Body Ombudsmen, Chennai in மேல் முறையீட்டு மனு எண்.137 /மா/2023 dated 30.12.2024 that R.Mayilsamy relied upon.

4.The present petitioner was heard in that writ petition and by an order dated 04.08.2025, PIL came to be disposed directing the authorities to consider the explanation, if any, submitted by the present petitioner, to verify the documents, if any submitted, and to take decision as to whether actions are liable to be taken.

5.The petitioner has on 01.09.2025 submitted a reply. Admittedly, that reply is on the file of Madurai Corporation. Despite the same, the impugned order has come to be passed on 11.09.2025. While Mr.S.Vinayak, learned Standing Counsel for R3 to R5 would reiterate that there has been no response by the petitioner to the notice dated 10.03.2025, this fact was never brought to the notice of the Court while disposing W.P.(MD)No.15612 of 2025 on 04.08.2025. Had it been so



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brought to the Court's notice, it is possible that a direction may not have emanated from the Court directing grant of another opportunity to the petitioner to put forth its submissions.

6.Be that as it may, since such directions have been given and the petitioner has also complied with the same, we find no justification in passing of order dated 11.09.2025 in violation of principles of natural justice. Hence, the impugned order is set aside. The petitioner shall appear before R4 on 28.10.2025 accompanied by a copy of his reply dated 01.09.2025 and supporting documents, if any. He shall be granted audience, heard and the ongoing proceedings will be completed within a period of three weeks thereafter (ie., on or before 18.11.2025) in accordance with law.

7.This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
15.10.2025

Index :Yes/No
Internet :Yes
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