



W.P.(MD)No.29491 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.29491 of 2025

and

W.M.P(MD)Nos.22810, 22811 & 22812 of 2025

1.R.Rengasamy

2.R.Muthusamy

... Petitioners

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone – V (West),
Madurai Corporation,
Madurai.

3.R.Narayanan

4.R.Ramasamy

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in Na.Ka.No.Ee2/D1/005436/2024 dated 30.09.2025 passed by the second respondent and quash the same and consequently directing the respondents No.1 and 2 to approve the application for building plan



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submitted by the petitioners' dated 08.10.2025.

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For Petitioners : Mr.P.R.Prithiviraj

For Respondents : Mr.S.Vidhyasagar (for R1 & R2)

ORDER

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

Vide our order dated, we had ordered as follows:

“WMP(MD)No.22810 of 2025 filed seeking to file a single Writ Petition is ordered on payment of separate Court fees.

2.The challenge in this writ petition is to the order under Section 135 (1) and (4) of the Tamil Nadu Urban Local Bodies Act, 1998 (Act).

3.The impact of the impugned order is that the petitioner has been called upon to remove the unauthorized constructions at S.Nos.150 to 153, 364 to 368 ad- measuring 2040 Sq.ft, Harivipatti, Madurai District.

4.The factum of unauthorized construction is admitted insofar as the petitioners have themselves made applications for regularization of unauthorized construction, which are pending before the competent authorities, arrayed as R1 and R2 i.e., the Commissioner and Assistant Commissioner of Madurai Corporation.

5.Incidentally, the Act does not have an appeal or revision provision and the maintainability of this writ petition is hence not in dispute. Having said that, no grounds are made to the intervene in the order since the petitioner has not even appeared before the respondents in response to the notices issued prior to the passing of the impugned order. Hence everything hinges on the acceptance or otherwise of the petitioners plea for regularization.

6.In such circumstances and since we are not inclined to accept the prayer of the petitioner that interim protection should be granted till such time the applications are disposed, we direct the petitioners to appear before R1 / the Commissioner of Madurai Corporation on Friday i.e., 24.10.2025 at 11.00 am. They shall be granted audience and shall be heard on their applications for regularization. They are also given liberty to produce any other



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materials, if any, in support of their applications. Orders on that applications shall be passed within a period of two weeks thereafter i.e., on or before 07.11.2025. No prior notice need to be issued to petitioners as the date has been taken note of by the Court.

7.List this matter on 06.11.2025 under the caption 'for production of orders'.

2.On 06.11.2025, we passed the following order:

“Read this order in continuation of and in conjunction with the earlier order dated 17.10.2025.

2.Today, Mr.P.R.Prithiviraj, learned counsel produce some certificates, which do not satisfy us that the unauthorized construction has been regularized.

3.What appears to have been issued by the authorities is a permit for construction of a building new. Regularization order is excepted to regularize the unauthorized construction already constructed and not to grant permission to construct structures afresh.

4.The learned counsel for the respondents will clarify the same.

5.List on 12.11.2025.”

3.Mr.S.Vidhyasagar, learned counsel for R1 & R2, today confirms unequivocally that construction is unauthorised and that there is no justification whatsoever in the petitionerchallenging the order dated 30.09.2025.

4.What has now been filed is only an application seeking additional construction and not for regularisation of the existing construction.

5.In light of the aforesaid and finding that the factum of unauthorised construction is not disputed, we find no flaw in the



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impugned order and the same is confirmed.

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6.With this, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.,] [C.K.J.,]
12.11.2025

Index :Yes/No

Internet :Yes

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To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone – V (West),
Madurai Corporation,
Madurai.



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