



W.P.(MD)No.31344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

CORAM:

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MRS JUSTICE S.SRIMATHY**

W.P.(MD) No.31263 of 2024

G. Brahadeeswaran

... Petitioner

Vs.

1. The District Collector/ Monitoring Committee,
Sivagangai District, Sivagangai.

2. The Assistant Director,
Town and Country Planning
Regional office, Sivagangai.

3. The Commissioner,
O/o Manamadurai Town Municipal Office,
Manamadurai.

4. Subburuman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to demolish the offending constructions which is illegally put up by the third respondent in Old G.R.No.44 / 161B and New No.G.R.No.44/208 A in an extent of 1560 sq.ft in Ward no.5, Manamadurai Town, Municipal limit, Manamadurai Taluk, Sivagangai District within a stipulated time fixed by this Court.



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For Petitioner : Mr.J.John
For RR 1 & 2 : Mrs.D.Farjana Ghousia,
Spl. Government Pleader
For R-3 : Mr.A.Kathiravan,
Standing Counsel
For R-4 : Mr.K.Soundran

ORDER

(Order of the Court was made by **J.Nisha Banu, J.**)

Seeking for issuance of a direction to the respondents 1 and 2 to demolish the offending constructions, which is illegally put up by the third respondent in Old G.R.No.44 / 161B and New No.G.R.No.44/208 A to an extent of 1560 sq.ft in Ward no.5, Manamadurai Town, Municipal limit, Manamadurai Taluk, Sivagangai District within a stipulated time fixed by this Court, the petitioner has preferred the present writ petition.

2. The case of the petitioner is that since 1991, the petitioner's wife was running a small mess in her mortgagor's property in G.R.No. 44/208A measuring an extent of 300 sq.ft, out of the total extent of 1560 sq.ft. On 02.02.2023, the mortgagor has executed a conditional sale deed in the name of the fourth respondent to discharge the mortgage loan of Rs.10,000/- and the same was registered in Doc.No.1475 of 1991 on the file of the Sub-Registrar, Manamadurai.

3. The grievance of the petitioner is that on 10.02.2023, the fourth respondent and his henchmen unlawfully demolished the mess run by the



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petitioner's wife and looted Rs.3,00,000/- worth valuable goods from the mess. Thereafter, the petitioner has lodged a police complaint against the fourth respondent and a criminal case was registered against the fourth respondent in Cr.No.224/2023 for the offence under Section 294(b), 379, 448, 427 & 506(ii) of I.P.C. Further the petitioner's wife has filed a suit for recovery of possession in O.S.No.90 of 2023 on the file of the Sub Court, Manamadurai.

4. Meanwhile, the fourth respondent has put up an offending construction with the help of the third respondent, in the entire extent of land measuring 1560 sq.ft in New G.R.No.44/208A. Further, it is the contention of the learned counsel for the petitioner that the fourth respondent has not obtained any building plan permission or layout approval for the offending construction put up by him in the aforesaid land. The petitioner made a detailed representation to the respondents 1 and 2 to demolish the offending construction put up in the subject land, but no action has been taken till date. Left with no other option, the petitioner has filed the present writ petition.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the official respondents and perused the materials placed before this Court.



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6. Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of this Writ Petition, we direct the first respondent to consider the representation of the petitioner dated 30.05.2024, after giving sufficient opportunity of hearing to the petitioner as well as the fourth respondent and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, this Writ Petition is disposed of. No costs.

(J.N.B.J.) (S.S.Y.J.)
26.03.2025

sts

Note: Registry is directed to send a copy of this order to the 4th respondent.

To:

1. The District Collector/ Monitoring Committee,
Sivagangai District, Sivagangai.
2. The Assistant Director,
Town and Country Planning
Regional office, Sivagangai.
3. The Commissioner,
O/o Manamadurai Town Municipal Office,
Manamadurai.
4. Subburaman, S/o Sethupathy,
Door No.85/4, Mariamman Kovil Street,
Manamadurai Town, Sivagangai District.



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J. NISHA BANU, J.
and
S.SRIMATHY, J.

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Order made in
W.P.(MD) No.31263 of 2024

Dated:
26.03.2025