



W.P(MD)No.63 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

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

**W.P(MD)No.63 of 2025
and W.M.P(MD)Nos.49 & 51 of 2025**

M.Parthasarathy

... Petitioner

vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone-3, Madurai Corporation,
Madurai.

3.The Assistant Director / Member Secretary (G),
O/o.Town and Country Planning,
Madurai District, Sector – 6,
Anaiyur – Mudakathan Main Road,
Koodalpudhur,
Madurai – 17.

4.The Assistant Executive Engineer (Planning),
Town and Country Planning,
Madurai Corporation,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent under his proceedings bearing No.Na.Ka.No.M3D2/L1/002183/2023 dated 30.08.2024 and quash the same as illegal, without jurisdiction and consequently direct the respondents 3 and 4 to consider the revised building plan application dated 28.09.2024 bearing application No.937691-2024-RR submitted by the petitioner within a period stipulated by this Court.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.K.Sivabalan
Standing Counsel

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

The petitioner has filed the present Writ Petition to quash the proceedings of the second respondent dated 30.08.2024 and consequently to direct the respondents 3 and 4 to consider the revised building plan application dated 28.09.2024 bearing application No.937691-2024-RR submitted by the petitioner within a period stipulated by this Court.



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2. According to the petitioner, he is the Managing Trustee of the Temple, namely, Sri Kamatchi Ekambareswarar and managing the Temple. The Temple management decided to construct a new building in the land comprised in Survey No.915, after demolishing the old dilapidated building and got plan from the Madurai Corporation and started the construction. While being so, one Seenivasan filed a Writ Petition in W.P(MD)No.1167 of 2023 to take action against the unauthorized construction and this Court, by order dated 06.03.2024, directed the first respondent to take necessary action for removal of the unauthorized construction made by the fourth respondent therein/petitioner herein in the property in question. The petitioner herein filed a Review Application(MD)SR.No.67671 of 2024 in W.P(MD)No.1167 of 2023 and this Court, by order dated 14.11.2024, granted liberty to the petitioner to challenge the order dated 30.08.2024 impugned in this Writ Petition. Challenging the same, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the impugned order is passed in contravention to the notice issued by the third respondent herein dated 29.02.2024 under Section 85 of the Tamil Nadu Town



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and Country Planning Act, 1971 read with Sections 56 and 57, wherein directing the petitioner to submit a revised building plan for further approval and the petitioner is ready to submit a revised building plan and to regularize the building and if any violation is identified in the building as per the plan approval issued by the fourth respondent, the petitioner would abide by any conditions that are likely to be imposed by the respondents.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.Considering the facts and circumstances of the case, the impugned order passed by the second respondent dated 30.08.2024 is set aside and the petitioner is directed to give a fresh representation to the respondents along with all necessary documents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall give a personal opportunity of hearing to him and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks thereafter.



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6.With the above observation, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[J.N.B.,J.] & [S.S.Y.,J.]
21.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Assistant Commissioner,
Zone-3, Madurai Corporation,
Madurai.
- 3.The Assistant Director / Member Secretary G,
O/o.Town and Country Planning,
Madurai District, Sector – 6,
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- 4.The Assistant Executive Engineer (Planning),
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WEB COPY Madurai Corporation,
Madurai.



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

ps

ORDER MADE IN
W.P(MD)No.63 of 2025

DATED : 21.03.2025