



W.P.(MD)No.6014 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.6014 of 2026

and

W.M.P.(MD)No.5055 of 2026

Mohamed Farook

... Petitioner

vs.

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Executive Engineer (Planning),
Madurai City Municipal Corporation,
Madurai - 625 020.

3.Abdul Jabbar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 22.01.2026 bearing construction Permission. No.115/BL/2026/00028 issued by the Respondent No.1 and quash the same as illegal and consequently to direct the Respondent No.1 to consider the petitioner's representation dated 10.02.2026.



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For Petitioner :Mr.SMA.Jinnah
For R1 and R2 :Ms.S.Devasena
For R3 :Mr.R.J.Karthick

ORDER

1. The petitioner challenges the impugned order dated 22.01.2026 issued by the first respondent.

2. By the said order, building permission was granted to the third respondent to put up a commercial building on the subject property. The petitioner claims to be the owner in possession of a portion of the said property, where he is running a puncture shop. The grievance of the petitioner is that the third respondent has demolished the entire building, except the portion allegedly occupied by the petitioner, without obtaining permission under Section 133(5) of the Tamil Nadu Urban Local Bodies Act, 1998.

3. Heard the learned counsel appearing on either side.



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4. It is seen that the petitioner had earlier approached this Court in W.P. (MD) No.2265 of 2026 seeking restoration of power supply that had been disconnected. This Court, by order dated 24.02.2026, dismissed the said writ petition holding that the third respondent had filed an online application seeking permission for demolition of the building and, upon payment of the necessary charges, such permission had been granted. It was further observed that the order granting demolition permission had not been challenged and that nearly 90% of the building had already been demolished pursuant to the permission granted by the Corporation. This clearly indicates that the demolition had been carried out pursuant to the permission granted by the Corporation under Section 133 of the Act.

5. Even assuming that no permission had been obtained for demolition, the petitioner has no locus standi to challenge the impugned order in these proceedings. The petitioner has already filed a civil suit seeking permanent injunction, and in the said suit an application for temporary injunction was also filed. The said application came to be dismissed on 27.02.2026.



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6. The property belongs to the third respondent as claimed by him , and the petitioner claims to be in owner in occupation of a portion of the property. The petitioner asserts that 10% of the property belongs to him. Whether such a portion indeed belongs to the petitioner is a matter that requires adjudication before the competent civil court. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot enter into disputed questions of fact of this nature.

7. In view of the above, this Writ Petition stands dismissed, reserving liberty to the petitioner to agitate his rights in the pending civil suit before the jurisdictional civil court. The trial court shall adjudicate the rights of the parties independently and without being influenced by any of the observations made in this order or in the order passed by this Court in W.P.(MD) No.2265 of 2026 dated 24.02.2026. All the contentions of the parties are left open. No costs. Consequently, the connected miscellaneous petition is closed.

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

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To

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Madurai Corporation, Madurai.

2.The Executive Engineer (Planning),
Madurai City Municipal Corporation,
Madurai - 625 020.



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HEMANT CHANDANGOUDAR, J.

cmr

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