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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.8726 of 2026

and

W.M.P.(MD)No.7040 & 7042 of 2026

M.Vatchala Manoharan

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone No.III (Central),
Madurai Corporation,
Madurai.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice in Na.Ka.No.Ma2Ee2/000053/2023 issued by the second respondent dated 03.03.2026 to the petitioner and quash the same as illegal.



For Petitioner : Mr.C.M.Arumugam
For Respondents : Ms.Devasena
Standing Counsel

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This writ petition is filed challenging the impugned notice in Na.Ka.No.Ma2Ee2/000053/2023 issued by the second respondent dated 03.03.2026 to remove the unauthorized building.

2.Ms.S.Devasena, learned Standing Counsel, accepts notice for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

4.The contention of the petitioner is that the petitioner's husband and son are running a hospital in the petitioner's building situated in the petition mentioned property. The said building was constructed after obtaining necessary building plan permission from the



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authorities concerned. While so, alleging deviation in the building, notice under the provisions of the Land Encroachment Act has been issued to the petitioner. Being aggrieved by the same, the petitioner has filed the present writ petition.

5.The learned counsel for the petitioner submitted that earlier in the year 2024, the Assistant Executive Engineer of Madura Corporation issued a notice stating that the petitioner's building was constructed as per the approved plan. However, contrary to the said notice, the present notice impugned in this writ petition has been issued alleging violation of the building plan permission.

6.The learned counsel appearing on behalf of the respondents, on instructions, submitted that after inspection, some deviations were found in the petitioner's building. Hence, action has been initiated by the authorities concerned for removal of unauthorized construction.

7.We have heard the learned counsel appearing on either side and perused the entire materials on record.



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8.A perusal of the eviction notice impugned in this writ petition indicates certain deviations on the fourth floor of the petitioner's building. The petitioner may submit a detailed explanation along with all relevant documents and present his grievance before the concerned authorities.

9.At this juncture, the learned counsel for the petitioner submits that the petitioner has already submitted his explanation seeking revised plan permission to the Government of Municipal Administration on 06.03.2026 along with all necessary documents.

10.In such view of the matter, the authorities are directed to consider the explanation submitted by the petitioner on its own merits and pass order in accordance with law within a period of one month from the date of receipt of a copy of this order. If the petitioner is aggrieved over the order to be passed by the authorities, he shall file an appeal under Section 80-A of the Town and Country Planning Act within a period of one week from the date of passing of the order by the authorities. On such filing, the authorities shall dispose of the said appeal within a period of one month therefrom.



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11. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
01.04.2026

Index : Yes/No

Internet : Yes

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Madurai.
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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