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WP(MD) NO. 13944 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19-02-2026**

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

WP(MD) NO. 13944 of 2024

1. Mayilsamy. R
S/o.Ramalingam
Plot No. 5
Meyyappan Nagar Extension
Sembaruthi Nagar
New Vilangudi
Madurai North
Madurai

Petitioner(s)

Vs

1. The District Collector / Chairperson
High Level Monitoring Committee
Madurai District
Madurai.

2. The Commissioner
Madurai City Municipal Corporation
Member-Convenor
High Level Monitoring Committee
Aringnar Anna Maaligai

1/9



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Madurai

3. The Assistant Director
District Town and Country Planning
Member
High Level Monitoring Committee
Madurai District Sector -6
Anaiyur
Koodalpudur
Madurai 625017

4. The Assistant Commissioner
Zone 3 (Central) Office
Madurai City Municipal Corporation
North Marret Street
Madurai 625 001

5. Ganesh Priya Hospitals
195 Ponmeni Main Road
Bye Pass Road
Zone 3
Madurai Corporation
Madurai 625 016

Respondent(s)

For Petitioner(s):

Mr.N.Ananda Kumar
G.Praveenkumar
S.Santhakumar.
B.Daksh Reddy
Proof Of Service Filed Sr.No.14049/2024
Proof Of Service Filed Sr.No.14750/2024

For Respondent(s):

M/s.A.Srinivasan (1523/97)



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M/s.S.Devasena Stc (62/88) For R2 & R4

Counter Affidavit Filed For R4 In Ussr 819/25

M/s.J.Ashok, AGp Accepts Notice For R1 & R3

M/s. C.GODWIN-MS/73/1979

G. Cenil - 3366/11

Change Of Vakalat Filed Dt.06.02.2026 For R5

Pvt. Notice Permitted - Proof Filed

Typedset Filed In Ussr 13938/25

statu report filed in usr no.16666/25

counter filed in usr.no.2678/26

Prayer:Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 1 to 4 respondents to take appropriate action against the un-authorized construction of the 5th respondent Hospital under the provisions of Town and Country Planning Act 1971 on the basis of the representation of the petitioner dated 22.05.2024.



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ORDER

(Order of the Court was made by the **DR.G.JAYACHANDRAN.,J.**)

The fifth respondent herein has put up un-authorized construction and running a hospital. This has been brought to the notice of this Court by way of Public Interest Litigation filed by one Mayilsamy. As a consequence, un-authorized construction identified by the Local Body and ordered to be removed.

2.The learned counsel for the fifth respondent claims that there is no deviation or un-authorized construction by citing certain proceedings, but however, he is not able to produce the copy of the building plan.

3.The learned counsel for the Corporation also submits that the fifth respondent had not produced any document to show that the fifth respondent has obtained building plan permission for the fourth floor and the construction of the terrace. She further states that action for removal of the un-authorized construction has already been initiated and fourth floor and terrace is also put on lock and seal.



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4.The learned counsel for the Petitioner submits that as early as on 23.08.2023, the Assistant Commissioner, Madurai Corporation has issued notice to the fifth respondent and after field inspection, identified the deviation and unauthorized construction made by the fifth respondent. As per the field inspection, for ground floor, the permission is granted for 4456 sq.ft, constructed area is 5379 and the deviation is 923 sq.ft, for the first floor, permission is granted for 4456 sq.ft, constructed area is 5327 sq.ft and deviation is 871 sq.ft, for second floor permission is granted for 4456 sq.ft, constructed area is 5327 and deviation is 871 sq.ft., for third floor permission is granted for 4456 sq.ft, constructed area is 5327 sq.ft and deviation is 871 sq.ft, for fourth floor permission is not granted, constructed area is 5327 sq.ft and deviation is 5327 sq.ft and for terrace, permission is not granted, constructed area is 198 sq.ft and deviation is the entire 198 sq.ft. Therefore, it is apparent that on the date of inspecting the building on 23.08.2023, the fifth respondent has put up construction deviating the approved plan. Insofar as the ground floor, first floor, second floor and third floor, building plan is obtained and for putting up fourth floor and terrace, permission was not obtained. Though it is repeatedly contended by the learned counsel for the fifth respondent that there is plan approval for the fourth floor and terrace also, he is



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not able to produce any document. The learned counsel for the Corporation has also endorsed that he has not produced approved plan for the fourth floor and terrace.

5. In the said circumstances, application alleged to have been given for regularization can utmost be only for deviation in the approved plan and not for illegal construction of fourth floor and above.

6. The learned counsel for the fifth respondent further submitted that the Petitioner under the garb of whistle blower and social worker, is in the habit of filing Writ Petitions just to extract money.

7. We are concerned only with this case, wherein, it has been stated that the fifth respondent has put up construction in deviation of the approved plan and that the approval is borne by records. Therefore the un-authorized construction and deviation are bound to be removed.

8. The Assistant Commissioner, Madurai Corporation in her counter had



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stated that steps are being taken for removing the un-authorized construction as noted during the field inspection.

9.Post the matter on 11.03.2026, for reporting the status about the removal of the un-authorized construction, which is the subject matter of the present Writ Petition.

(G.JAYACHANDRAN J.) (K.K.RAMAKRISHNAN J.)
19-02-2026

vsn

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DR.G.JAYACHANDRAN,J.
AND
K.K.RAMAKRISHNAN.,J.

vsn

ORDER MADE IN
W.P(MD)No.13944 of 2024

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