



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

Writ Petition No. 18323 of 2026

and

W.M.P.No. 19669 of 2026

V.Kumar

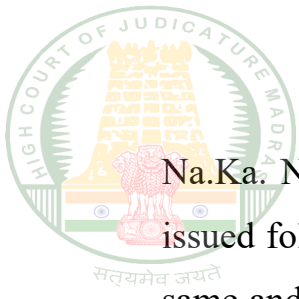
..Petitioner

Vs

1. Government of Tamilnadu
Rep. by Secretary Housing and
Urban Development Department,
Fort St. George,
Chennai-600 009.
2. The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam Taluk and District.
3. The Director
Directorate of Municipal Administration
No.75, Urban Administrative Building,
Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai-600 028.
4. The District Collector
office of the District Collector,
Nagapattinam.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a **Writ of Certiorarified Mandamus**, calling for the records in



Na.Ka. No.1341/ 2024/ F.1 dated 09.04.2026 on the file of the 2nd respondent issued following the order of the 1st respondent dated 06.01.2026 and quash the same and direct the 2nd respondent herein to accept the petitioner representation for regularization of the construction of the building as contemplated under Section 56(4) r/w Section 49 of the Town and Country Planning Act, 1971.

For Petitioner: Ms.L.Soniagandhi

For Respondents: Mr.K.Surendar,
Government Advocate For R1, R3 & R4

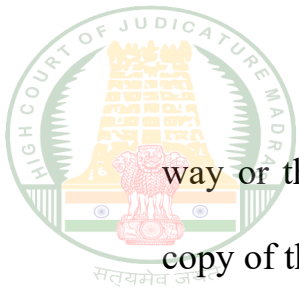
Mr.P.Srinivas For R2

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The petitioner herein has put up an unauthorised construction and was served with a notice for its removal. This action was initiated pursuant to the direction of this Court in W.P.No.9523 of 2024, filed by one Mr.Karthikeyan. Consequently, a lock and seal notice dated 28.08.2025 was issued, which led the writ petitioner to file an application for rectification as contemplated under Section 56 of the Town and Country Planning Act, 1971.

2. While the revision was pending, the petitioner filed W.P.No.37071 of 2025, seeking to restrain the authorities from disturbing his possession and enjoyment of the property till the disposal of revision under Section 80A of the Tamil Nadu Town and Country Planning Act, 1971. This Court, vide order dated 25.09.2025, directed the revisional authority to decide the application one

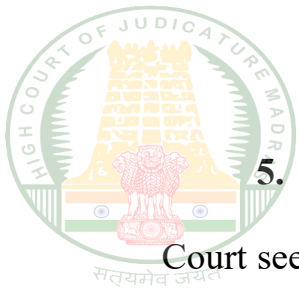


way or the other within a period of three weeks from the date of receipt of a copy of the order.

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3. Consequently, the Additional Secretary (Technical), Housing and Urban Development Department, passed proceedings dated 06.01.2026. The order directed the petitioner should obtain demolition approved plan from Nagapattinam Municipality as per the rules in force along with the structural stability report. On receipt of the proposal, Nagapattinam Municipality shall approve the demolition plan within ten days from the date of application. Thereafter, the petitioner shall carry out rectification as per the approved demolition plan or to get revised approval satisfying NCDBR 2019 within a three month period.

4. Following these proceedings, the petitioner failed to submit either the demolition approval plan or the rectification plan as directed by the Government. Hence, on the expiry of the three month period, the Commissioner of Nagapattinam Municipality issued the impugned notice dated 09.04.2026. This notice informed the petitioner that since he had not submitted his rectification plan, the building would be kept under lock and seal and also directed him to remove the materials inside the building within three days to enable the authorities to seal the premises.



5. Aggrieved by the said notice, the petitioner has approached this Court seeking a Writ of Certiorarified Mandamus to quash the said notice dated 09.04.2026. The petitioner contends that there is no deviation from the plan approved by the Town and Country Planning Authority and having been allowed to put up constructions as per the approved plan, it is not open to the 2nd respondent to initiate proceedings under the Act. Further, the petitioner states that he should have been informed by the Municipal Authorities to seek regularization of the construction.

6. A detailed counter was filed by the 2nd respondent narrating the entire sequence of events and the opportunity given to the petitioner herein to file a rectification plan or demolition plan within three months as per the proceedings of the Additional Secretary (Technical), Housing and Urban Development Department. It was submitted that the petitioner has filed the present writ petition by suppressing these vital facts and without resorting to the specific provisions of law that permit a building owner to rectify deviations.

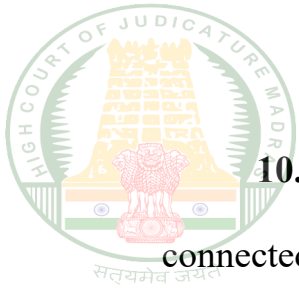
7. After expiry of three month period granted to the petitioner herein to rectify the deviation, the present impugned notice been issued for lock and seal. We find that pursuant to the directions of this Court in the earlier writ petition filed by one Mr.Karthikeyan, action was taken by the authorities for the removal of the unauthorised construction. Despite being afforded adequate



opportunity, the petitioner was not inclined to rectify the deviations. Instead, the petitioner has approached this Court by suppressing vital facts, presenting the case as if he was not put on notice prior to the issuance of the impugned notice dated 09.04.2026.

8. The learned counsel appearing for the petitioner while referring Section 56 of the Tamil Nadu Town and Country Planning Act, 1971, submitted that where development is carried out in deviation of a permission, the owner or occupier must be given opportunity to seek rectification or retention. He also relied on the order of this Court passed in W.P.No.6894 of 2025 (filed by one Devi Furniture), wherein, in a challenge to the order passed under 80-A of the Act, liberty was given to work out the remedy under Section 56(3) of the Act, within thirty days from the date of the Court's order.

9. We find that neither Section 56(3) of the Act nor the judgment cited applies to the petitioner. The petitioner herein was already granted three month time to seek rectification of the building, which he failed to do. This opportunity was granted only after intervention of this High Court in his writ petition. While so, the present writ petition is a clear attempt by the petitioner herein to drag on the issue by squatting over the property. We find no merit in the case of the writ petitioner.



10. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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(Dr.G.J.,J.) (N.M.,J.)
29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

To

1.The Secretary to Government of Tamilnadu
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Municipal Commissioner
Nagapattinam Municipality,
Nagapattinam Taluk and District.

3.The Director
Directorate of Municipal Administration
No.75, Urban Administrative Building,
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4.The District Collector
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WP No. 18323 of 2



DR.G.JAYACHANDRAN J.
and
N.MALA J.

rpl

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