



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

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

Writ Petition No. 29244 of 2026

and

W.M.P.No. 32131 of 2026

B. Venkatesa Perumal

..Petitioner

Vs

1. The Commissioner,
Jolarpettai Municipality,
131, Parthasarathy Street,
Natrampalli Road,
Jolarpet Municipality,
635851.
2. The District Registrar,
District Collector Office. 4th Floor, C-block,
Tirupathur 635601.
3. The Revenue Divisional Officer (RDO)
Sub Collector Office, Government Garden,
Tirupathur- 635601.
4. The Sub Registrar,
Sub Registrar Office, Jolarpettai
Nethaji Road, Sakkarapuram,
Jolarpettai - 635 851.
5. The Tashildar.
Thirupattur
Thirupattur District.
6. The Village Administrative Officer,
Sakkarakuppam,



Jolarpet,
Thirupattur District

7. Sivakami
8. V. Anandha Raj
9. Velu
10. Prabhu
11. Ravi
12. Kanagaraj
13. Ragupathy
14. Anbu
15. Sita
16. Dhanalaxmi
17. Radhi Devi
18. Amirtha Raj
19. Arul Raj
20. Sharmila

..Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in the issue of the Proceedings in Notice No. 542 / 2021/ F1 dated 23-06-2026 by the 1st Respondent under Sections 133(5), 135(1)(2) of The Tamil Nadu Urban Local Bodies Act, 1998 to demolish or Lock and Seal of the Petitioner's Building, quash the same as being in violation of Rule of Law, arbitrary , denial of natural justice and more specifically in violation of the provisions under Section 135 (6) of The Tamil Nadu Urban Local Bodies Act, 1998 and consequently Direct the 1st respondent from issuing any further Notices of Lock, Seal and Demolition till final Decree is passed in further Notices till the Suit is decreed in O.S.No. 125 of 2021 in Sub- Court at Thirupathur.

For Petitioner:

Mr.G.Britto Valan Arasun

For Respondents:

Mr.P.Srinivas
Standing Counsel For R1

Mr.K.Surendar,



Government Advocate For R2 to R6

ORDER

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

This Writ Petition has been filed by the petitioner, who is aggrieved by a notice issued by the Commissioner, Jolarpettai Municipality, under Sections 133(5) and 135(1)(2) of The Tamil Nadu Urban Local Bodies Act, 1998.

2. The petitioner herein claiming to be the owner of the building constructed in violation of the Act, contends that a civil suit in O.S.No.125 of 2021 is pending before the Sub Court, Thirupathur, between him and the legal heirs of his sister regarding the suit property. He submits that till a final decree is passed in the said suit, no action should be taken against him for the violations alleged in the impugned notice.

3. The prayer in this writ petition reads as under:

“For the reasons stated in the accompanying affidavit, the petitioner humbly prays for the ends of justice that this Hon’ble Court may be pleased to issue a Writ, order or direction or any other writ, more in the nature of a Certiorarified Mandamus by calling for the records in the issue of the Proceedings in Notice No. 542 / 2021/ F1 dated 23-06-2026 by the 1st Respondent under Sections 133(5), 135(1)(2) of The Tamil Nadu Urban Local Bodies Act, 1998 to demolish or Lock and Seal of the Petitioner’s Building, quash the same as being in violation of Rule of Law, arbitrary , denial of natural justice and more specifically in violation of the provisions under Section 135 (6) of The Tamil Nadu



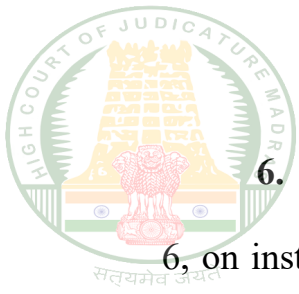
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Urban Local Bodies Act, 1998 and consequently Direct the 1st respondent from issuing any further Notices of Lock, Seal and Demolition till final Decree is passed in further Notices till the Suit is decreed in O.S.No. 125 of 2021 in Sub- Court at Thirupathur.”

4. In the affidavit, after narrating in detail the nature of the title dispute between him and his family members, the petitioner contends that the authorities have rejected his application for planning permission on 28.12.2024, citing the pending title dispute. He further submits that even if he submits a fresh application for approval to carry out structural alterations to the building, there is no guarantee that such approval will be granted while the title dispute over the land is pending, until the matter is decided either way by a competent Court, the authorities cannot grant approval, as already indicated in their order dated 20.01.2025.

5. Mr.P.Srinivas, learned Standing Counsel appearing for the Municipality, submitted that the issue is not regarding the title, but the very existence of the building constructed abutting National Highways without leaving the necessary setback. He further submitted that the impugned notice directs the petitioner to rectify the offending portion, measuring 80’ x 22’ feet, which was constructed contrary to the building rules and further directed him to submit a revised plan within 15 days, failing which the building will be locked and sealed for further action.



6. The learned Government Advocate appearing for respondents 4 to 6, on instructions, submitted that the suit in O.S.No.125 of 2021, on the file of Sub Court, Thirupathur, was dismissed as not pressed on 21.07.2026 at the instance of the writ petitioner himself. Therefore, the prayer in the writ petition to restrain the authorities till the disposal of the suit has become infructuous.

7. On analyzing the records and the submissions made by the learned counsels, two pertinent points emerge. Firstly, the construction, which is the subject matter of the impugned notice, is *per se* as illegal raised without appropriate planning permission. Secondly, the petitioner, who claims ownership of the land upon which the unauthorized construction stands, has not produced any document before the authorities to prove his title. The writ affidavit, which consists of 68 paragraphs and runs into 28 pages, predominantly admits and discusses about the title dispute between the petitioner and the private respondents herein. Under the guise of pendency of title dispute in the civil Court, no person can seek protection for an illegal construction. Furthermore, after filing this writ petition seeking a restraint on coercive action till the disposal of the suit, the petitioner himself has withdrawn the suit.

8. Insofar as the impugned order is concerned, as we have already stated that it is only a show cause notice providing an opportunity to the



petitioner herein to rectify the illegal construction by removing the deviations.

A lawful action initiated by the authorities after affording a due opportunity cannot be found fault. Hence, we find no merit in the writ petition.

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

(Dr.G.J.,J.) (N.M.,J.)
28-07-2026

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

rpl

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5. The Tashildar.
Thirupattur
Thirupattur District.

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and
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