



W.P(MD)No.9788 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.9788 of 2022
and
WMP (MD) Nos.7006 & 7007 of 2022**

M.Rajamani

... Petitioner

VS.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Block Development Officer,
(Village Panchayat),
Thoppampatti Panchayat Union,
Thoppampatti,
Dindigul District.

3. Kothayam Panchayat,
Rep by its President,
Ottanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India

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praying for issuance of a Writ of Certiorairified Mandamus, to call for the records of the 3rd respondent in its proceedings dated 05.05.2022 and quash the same as without jurisdiction and consequently direct the respondents not to interfere in the trust property of Arulmigu Sri Muthumariamman Kovil Bakthargal Servai Trust of Anna Dhana Mandapam situated in Survey No. 58/1A, Konthayan Village, Ottanchathiram Taluk, Dindigul District without due process of law.

For Petitioner : Mr. Ananth C. Rajesh
For Respondents : Ms.J.Saranya, Government Advocate
(R1 & R2)

ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

This writ petition has been filed challenging the impugned order dated 05.05.2022 passed by the third respondent and for a consequential direction to direct the respondents not to interfere in the trust property of Arulmigu Sri Muthumariamman Kovil Bakthargal Servai Trust of Anna Dhana Mandapam situated in Survey No. 58/1A, Konthayan Village, Ottanchathiram Taluk, Dindigul District without due process of law.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is one of the Managing Trustees of Arulmigu Sri Muthumariamman Temple, Vallakundapuram, Kottayam Village, Oddanchatram Taluk, Dindigul District. The said temple is more than 100 years old and the devotees of the temple celebrate the Chithirai festival every year. The trustees of the temple formed a trust in the name of Arulmigu Muthumariamman Kovil Bhakthargal Sevai Trust and owned a piece of land in Survey No.58/1A, Kottayam Village, Oddanchatram Taluk, Dindigul District. The said trust proposed to construct an Annadhanam Mandapam by spending a sum of Rs.1.50 crores. However, when they approached the authorities for construction of the Annadhanam Mandapam, they were informed that no permission was required for the said construction. Accordingly, they constructed the said Mandapam. Later, they came to know that building plan permission was necessary for the construction of the Annadhanam Mandapam. Thereby, they made an application before the competent authority seeking ratification by granting building plan permission. However, in the meanwhile, the Executive Officer issued an impugned notice under Rule 34 of the Tamil Nadu Panchayat Building Rules. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that Rule 34 of the Tamil Nadu Panchayat Building Rules is no longer in existence and that the same has been repealed by the Tamil Nadu Combined Development and Building Rules, 2019. The Tamil Nadu Panchayats Building Rules, 1997, stood repealed upon the coming into force of the Tamil Nadu Combined Development and Building Rules, 2019. Therefore, after the repeal of the said provision, the Executive Authority has no power to pass the impugned order under the repealed provision. Accordingly, the learned counsel appearing for the petitioner would pray for setting aside the impugned order.

4. The learned Government Advocate appearing for the respondents 1 and 2 does not dispute the submissions made by the learned counsel appearing for the petitioner.

5. In view of the above, the impugned order is set aside and the matter is remanded back to the District Collector/Inspector of Panchayats to entrust the competent authority for initiating fresh proceedings and take



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appropriate action in respect of the alleged unauthorised construction, in accordance with the applicable rules and after affording due opportunity to the petitioner.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
20.08.2026

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



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