



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.15116 of 2017

and

W.M.P (MD) No.11918 of 2017

WEB COPY

R.Selvaraj

.. Petitioner

Vs.

1. The District Collector and
Inspector of Town Panchayats,
Thoothukudi District, Thoothukudi.

2. The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.

3. The Executive Officer,
Kalugumalai Selection Grade Town Panchayat,
Kalugumalai, Kovilpatti Taluk,
Thoothukudi District.

4. T.Thangarajadurai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to permanently forbear the use of "Sumangali Mahal" building situated at Door No.73 (Survey No.76/480), East Giriprakara Street, Kalugumalai, Kovilpatti Taluk, Thoothukudi District for any purpose without fulfilling the conditions laid down for the Public Building and without getting Building Plan Approval and also License to use as a Public Building from the competent authority.

For Petitioner

: Mr.T.Sakthikumaran
For Mr.A.Thirumurthy

For Respondents 1 and 2

: Mr.T.S.Mohammed Mohideen,
Additional Government
Pleader.

For Respondent No.3

: Mr.M.Rajarajan

For Respondent No.4

: Mr.Vinayak
For Mr.B.Jameel Arasu

**ORDER**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition in *pro bono publico* alleging that the fourth respondent, who constructed a building to be used as a Godown, is now using it as a 'Kalyana Mandapam (Marriage Hall)' in total violation of the Building Regulations.

2. The affidavit filed in support of the Writ Petition and the counter-affidavit filed by the Executive Officer, Kalugumalai Selection Grade Town Panchayat, clearly show that the fourth respondent obtained building plan on 30.03.2017 for constructing a Godown. Thereafter, the fourth respondent filed another application on 20.04.2017 to construct a house adjacent to the Godown. The Local Body issued a building permit for construction of first floor of the Godown. However, the fourth respondent, in total deviation of the approved plan, started constructing Marriage Hall instead of a Godown. Since there was no response from the fourth respondent, another notice was issued to him as to why the building permit should not be cancelled. Even to the said notice, there was no reply. The Local Body, therefore, sealed the building on 30.08.2017.

3. The Executive Officer, Kalugumalai Selection Grade Town Panchayat, in Paragraph No.7 of the counter-affidavit, submitted that the construction of a Marriage Hall would require permission from the competent authority under the Tamil Nadu District Municipalities Act, 1920 and the Multi-Storeyed and Public Building Rules, 1973, besides the Tamil Nadu Public Building (License) Act, 1965.

4. The fourth respondent in his counter affidavit contended that it was not correct to state that he started the construction of Kalyana Mandapam (Marriage Hall). According to the fourth respondent, he would commence the work for construction of Marriage Hall only after getting approval from the authorities.

5. We have heard the learned counsel for the petitioner. We have also heard the learned Additional Government Pleader appearing for the respondents 1 and 2, the learned counsel for the third respondent and the learned counsel for the fourth respondent.

6. The pleadings and the documents available on record clearly indicate that the fourth respondent obtained planning permit for construction of Godown. The fourth respondent, thereafter, in total violation of the building permit, constructed a Kalyana Mandapam (Marriage Hall). The Local Body, therefore, cancelled the building permit and sealed the building.



7. In order to construct a Marriage Hall, the fourth respondent must obtain permission under the Tamil Nadu District Municipalities Act, 1920 and the Multi-Storeyed and Public Building Rules, 1973, besides the Tamil Nadu Public Building (License) Act, 1965. The Marriage Hall should have sufficient car parking place. It should have all the other facilities for a public building. The builder should also obtain permission from the Fire Department and the police.

8. The fourth respondent appears to have no regard to the law of the land. The fourth respondent after obtaining building permission for the Godown, constructed a Marriage Hall and thereby, made the life of the local people miserable. The vehicles that would come to the Marriage Hall would be a source of nuisance to the local people. The Selection Grade Town Panchayat was, therefore, perfectly correct in issuing the stop work notice. We make it clear that the fourth respondent should not be permitted to complete the construction of Marriage Hall or to put it as a Kalyana Mandapam, unless and until he is given the building permit and ensuring that sufficient place is earmarked for car parking and that it would be appropriate to be called as a public building, where the people would assemble. In case the fourth respondent failed to take immediate action for demolition of the building constructed as a Marriage Hall in total violation of the building plan, necessarily, follow-up action shall be taken by the Panchayat for demolition invoking the provisions of the Building Regulations.

9. In the result, a Writ in the nature of a Writ of Mandamus is issued directing the third respondent to take appropriate action against the illegal and unauthorized building constructed by the fourth respondent forthwith.

10. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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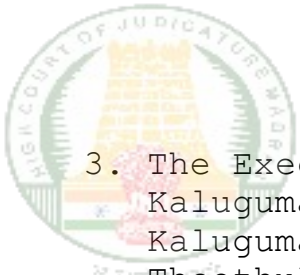
Sub Assistant Registrar

To

1. The District Collector and
Inspector of Town Panchayats,
Thoothukudi District, Thoothukudi.

<https://hcservices.tnhighcourtservices.org>

Kovilpatti Taluk,
Kovilpatti, Thoothukudi District.



3. The Executive Officer,
Kalugumalai Selection Grade Town Panchayat,
Kalugumalai, Kovilpatti Taluk,
Thoothukudi District.

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+1cc to The Spl.Government Pleader Sr.No.76667
+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.76476
+1cc to Mr.A.Thirumurthy, Advocate sr.No.75889

SMN/SML

VB/KK/SAR1/09/10/2017/4P/7C

**Order made in
W.P(MD)No.15116 of 2017
Dated: 01.09.2017**