



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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W.P. (PD) (MD) Nos.12205, 16816 and 23716 of 2018

and

W.M.P. (MD) Nos.11101, 11102, 12898, 14866 and 21489 of 2018

K.Subbaraman ...Petitioner in W.P.(MD)No.12205/ 2018

R.R.Premkumar ...Petitioners in W.P.(MD)No.16816
and 23716 of 2018

Vs.

The Revenue Divisional Officer,
Revenue Divisional Office,
Peravooranai Road,
Aranthangi Town and Taluk,
Pudukkottai Dsitric.

...Respondent in W.P.(MD)No.12205/2018

1.The Commissioner,
Aranthangi Municiplaity,
Pudukottai District.

2.Subburam

3.V.Manikandan

4.N.R.D.Anandaraman .. Respondents in W.P.(M)No.16816 of 2018

(R3 and R4 are impleaded vide Court order dated 23.01.2019)

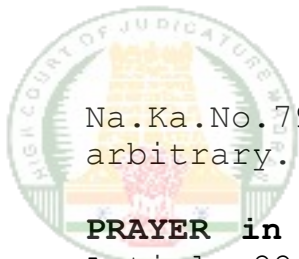
1.The District Colelctor,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

3.V.K.Subburam .. Respondents in W.P.(MD)No.23716 of 2018

PRAYER in W.P. (MD)No.12205 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the respondent in his proceedings in

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Na.Ka.No.790/2018/A2, dated 17.04.2018 quash the same as illegal and arbitrary.

PRAYER in W.P.(MD)No.16816 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.6488/2018/F1, dated 18.04.2018 insofar as taking action under Section 317(A) of the Tamil Nadu District Municipalities Act against the second respondent and quash the same as illegal, consequently directing the first respondent to take action under Section 216 of the Tamil Nadu District Municipalities Act against the second respondent to demolish unauthorized construction made by him.

PRAYER in W.P.(MD)No.23716 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to lock and seal the building illegally constructed by the third respondent in the land belonging to the Kalamman Temple comprised in Survey No.12/5 at Aranthangi Town, Pudukkottai District as the building is an unauthorized one.

For Petitioner : Mr.Baalasundharam

For Respondent : Mr.A.K.Baskara Pandian
Special Government Pleader
(in W.P.(MD)No.12205 of 2018)

For Petitioner : Mr.T.Lenin Kumar
For R1 : Mr.P.Mahendran
For R2 : Mr.K.Baalasundaram
For R3 and R4 : Mr.R.Balakrishnan

(in W.P.(MD)No.16816 of 2018)

For Petitioner : Mr.T.Lenin Kumar
For R1 and R2 : Mr.A.K.Baskara Pandian
Special Government Pleader

(in W.P.(MD)No.23716 of 2018)

COMMON ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Baalasundharam, learned counsel and Mr.T.Lenin Kumar, learned counsel appearing for the respective petitioners, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the

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official respondents, Mr.P.Mahendran, learned counsel and Mr.R.Balakrishnan, learned counsel for the respective respondents.

2. There are three writ petitions. Two writ petitions were filed by one R.R.Premkumar as a public interest litigant on the ground that one V.K.Subbaraman has unauthorizedly encroached into the temple property and put up a construction for a marriage hall without obtaining any planning permission. Earlier, R.R.Premkumar, approached this Court and filed writ petition in W.P.(MD)No.4988 of 2018 directing to remove unauthorized construction put up by V.K.Subbaraman. The writ petition was disposed of on 08.03.2018, pursuant to which the respondent municipality has passed an order, which goes to show that there is an unauthorized construction. The grievance of the petitioner is that in spite of such stand taken by the municipality, no action is taken to demolish the unauthorized construction.

3. The learned counsel appearing for respondent Municipality has filed counter affidavit stating that they are not the silent spectators, but they have taken action and rejected the revised plan submitted by V.K.Subbaraman on 16.02.2018.

4. The third writ petition before us is filed by V.K.Subbaraman challenging the proceedings of the Revenue Divisional Officer dated 17.04.2018, by which action has been initiated to cancel the license issued for running a marriage hall and lodging house. As long as there is no approval obtained for putting up construction either as marriage hall or as lodging house. The question of approval by the Revenue Authorities does not arise.

5. The Revenue Authority had granted approval earlier in favour of V.K.Subbaraman on 05.12.2017, which is illegal. It is not known how the Tahsildar, Aranthangi had given approval without even verifying whether the building has an approved plan. We can infer that there is a collusion between the Tahsildar and the V.K.Subbaraman. In any event, the Municipality, having rejected the application for planning permission, has not proceeded further on account of the pendency of these writ petitions. Pendency of these writ petitions cannot be a bar for the Municipality to proceed further in accordance with law. If the building is totally unauthorized, it has to be locked and sealed immediately. We direct the Municipality to do so within a period of three weeks from the date of receipt of a copy of this order.

6. As we have pointed out earlier, the building does not have any planning permission. Therefore, no approval could have been granted by the Tahsildar for using the building as marriage hall. Therefore, permission granted in favour of V.K.Subbaraman on 05.12.2017 by the Tahsildar, Aranthangi is set aside and quashed. After the building is locked and sealed by the respondent Municipality, the door is open to V.K.Subbaraman to workout his remedy in



the manner known to law.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Peravooranai Road,
Aranthangi Town and Taluk,
Pudukkottai District.

2.The Commissioner,
Aranthangi Municipality,
Pudukkottai District.

3.The District Collector,
Pudukkottai District,
Pudukkottai.

4.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

+3 CC to M/s.T.LENIN KUMAR, Advocate (SR-92073[F] dated 16/10/2019), 92074, 92075

+ 1 cc to Mr.K.BAALASUNDHARAM, ADVOCATE, SR.NO.92229

ORDER MADE IN
W.P. (PD) (MD) Nos.12205, 16816 and 23716 of 2018
15.10.2019

KK/SAR/18.10.2019/4P-9C/