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W.P.No. 26603 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 27.09.2022

**C O R A M**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**  
and  
**THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

**W.P.No. 26603 of 2019**  
**and**  
**W.M.P.No. 25976 of 2019**

The Commissioner,  
Panruti Municipality,  
Panruti, Cuddalore District.

....Petitioner

Versus

1. The Assistant Director  
of Town & Country Planning,  
Villupuram Region,  
Villupuram.

2. Mr Vijayarangan

...Respondents

**PRAYER :** : Writ Petition filed under article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the first respondent herein to remove the illegal and unauthorized construction made by the second respondent in the land comprised in ward A, Block 61, T.S. No. 13/6, Old No. 117 situated at Panruti Municipality.



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For Petitioner : Ms. P. Rajalakshmi

For Respondents : Mr. Vadivelu Deenadayalan  
Additional Government Pleader  
for R1  
Mr. K.S. Ilangovan  
for M/s. Achari & Antoni Associates  
for R2

### **ORDER**

(Order of the Court was made by *R. SUBRAMANIAN, J.*)

This is an unusual case where the head of the local authority of the Panruti Municipality seeks a mandamus directing the Assistant Director of Town and Country Planning/first respondent herein, to take action against the alleged illegal construction put up by the second respondent.

2. According to the Municipality, the property in question has been declared as scheme road. Therefore, it belongs to the first respondent and hence it is for the first respondent to take action against the alleged illegal construction.

3. The first respondent has filed a counter stating that even though the property has been declared as a scheme road by the local planning authority, further proceedings are yet to be taken and as such it is not vested in the local authority. Hence, it remains the property of the second respondent.



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4. As regards the violations, the first respondent/Assistant Director of Town & Country Planning, has pointed out that the powers to take enforcement actions for violations of building rules and unauthorised construction has been delegated to the local authority under Section G.O.Ms. 289 dated 16.12.2010. Therefore, according to the first respondent, it is the petitioner who is the appropriate authority. It is also seen that the petitioner has issued a notice to the second respondent under the provisions of the District Municipalities Act, 1920. Therefore, leaving it open to the petitioner to take appropriate action under provisions of Town and Country Planning Act or under the provisions of District Municipalities Act. The writ petition is closed. Consequently, connected miscellaneous petition is closed.

**(R.S.M., J.) (K.B., J.)**

**27.09.2022**

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mrn



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To

The Assistant Director  
of Town & Country Planning,  
Villupuram Region,  
Villupuram.

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**R.SUBRAMANIAN, J**  
**and**  
**K. KUMARESH BABU, J**

mrn

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