



W.P.No.13689 of 2019
and W.M.P.No.13748 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.13689 of 2019
and
W.M.P.No.13748 of 2019

A.Selvaraji

... Petitioner

Vs.

- 1.The Secretary of the Government,
Municipal Administration and Water Supply
Department,
Secretariat, Chennai - 600 091.
- 2.The Commissionarate of Municipal Administration,
Ezhilagam,
Chepauk, Chennai.
- 3.Deputy Director,
Town and Country Planning Department,
Sathuvachari, Vellore - 632 009.
- 4.The Commissioner,
Vandavasi Municipality,
Vandavasi Town, Cheyyar Taluk,
Tiruvannamalai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to "Na.Ka.No.1436/2018/TPI" dated 25.03.2019 issued by the fourth respondent, ordering the petitioner not to use the premises bearing D.No.67/W/1 for public purposes and in violation of the same to seal the building and to quash the same.

For Petitioner : Mr.Arun C.Mohan
for Mr.V.Prakash Babu
For R1 to R3 : Ms.R.L.Karthika
Government Advocate
For R4 : Mr.A.Sathish

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to "Na.Ka.No.1436/2018/TPI" dated 25.03.2019 issued by the fourth respondent, ordering the petitioner not to use the premises bearing D.No.67/W/1 for public purposes and in violation of the same to seal the building and to quash the same.



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2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 as well as the learned counsel appearing for the 4th respondent and perused the entire materials on record.

3. The petitioner is the owner of the building bearing D.No.67/W/1 of Vandavasi town, which is a marriage hall. According to the petitioner, he purchased the same in E-auction conducted by Debts Recovery Tribunals (DRT). The building was constructed after obtaining necessary building permission from the concerned Panchayat. The previous owner stopped his commercial operations in the year 2004 itself. The 4th respondent has claimed a sum of Rs.10,55,790/- as property tax from the petitioner for the period 2002-2007. The petitioner paid a sum of Rs.2,43,540/- on 26.06.2020 under protest. According to the petitioner, in order to pressurize the petitioner to pay property tax claimed, the 4th respondent is taking coercive steps with ulterior motive by way of issuing the impugned notice dated 25.03.2019 stating that the



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building plan is not recognised by the 3rd respondent and that public have given objection for the marriage hall. Learned counsel for the petitioner submitted that the petitioner has let out the building for rent after renovation to the District Munsif Court and Judicial Magistrate Court, Vandavasi and there is no violation in the building. The building is in good condition. In such circumstances, the petitioner has come out with the present Writ Petition praying for setting aside the impugned notice dated 25.03.2019 issued by the 4th respondent.

4. Learned counsel appearing for the petitioner submitted that the impugned notice was issued on mis-conception of facts and the petitioner has renovated the building and he has not put up any new construction. He further submitted that the petitioner undertakes that he will not put up any construction without getting permission.

5. The 4th respondent has filed counter affidavit. Mr.A.Sathish, learned counsel appearing for the 4th respondent submitted that the previous owner constructed only ground floor with RCC roofing and the



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petitioner started renovating the 40 years old building and approached the 4th respondent for approval. The 4th respondent inspected the premises along with the Town Planning Inspector and Sanitary Inspector and found that the petitioner is renovating the building by putting up ground + 3 floors with a total built up area of 15,000 sq. ft. The 4th respondent has power to grant permission only upto 2,000 sq. ft. of commercial buildings and hence the 4th respondent instructed the petitioner to approach the 3rd respondent for construction of 15,000 sq.ft. and directed the petitioner to stop the unauthorised construction till permission is granted by the 3rd respondent. One Paranthaman, resident of that locality, gave complaint to the District Legal Services Authority, Thiruvannamalai, alleging structural stability, nuisance and sewerage problem. The District Legal Services Authority, Thiruvannamalai, called for the report from the 4th respondent in this regard. In view of the same, the 4th respondent has issued the impugned proceedings dated 25.03.2019 and hence, he prayed for the dismissal of the Writ Petition.



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6. Ms.R.L.Karthika, learned Government Advocate submitted that the learned Principal District Judge, Thiruvannamalai District has vacated the building bearing D.No.67/W/1 situate at Vandavasi. Now, the Principal District Judge, Thiruvannamalai, has addressed a letter dated 16.12.2022 to the Registrar General of this Court stating that the District Munsif Court and the Judicial Magistrate Court, Vandavasi, are shifted from the building in question to renovated Heritage Court building at Vandavasi and no court hall is functioning in the petition mentioned premises.

7. From the above materials, it is seen that it is the case of the petitioner that the building in question was constructed only after obtaining necessary permission from the concerned authorities and he is running the Marriage Hall after obtaining license and other sanitary certificate from the concerned authorities and no objection certificate from the fire and rescue department. On the other hand it is the case of the 4th respondent that the petitioner has renovated the building by



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8. In view of the rival submissions, the petitioner is directed to produce the approved plan for the building in question to the 4th respondent within two weeks from the date of receipt of a copy of this order. If the petitioner is not in possession of the approved plan, it is open to the petitioner to approach the 3rd respondent for regularisation of the building in question within two weeks and on receipt of such application for regularisation from the petitioner, the 3rd respondent is directed to consider the same on merits and in accordance with law and pass orders as expeditiously as possible in any event within three(3) months thereafter. Till such time the respondents 3 and 4 are restrained from taking any coercive action against the petitioner.



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9. With the above directions, the Writ Petition is disposed of.

No costs. Consequently connected miscellaneous petition is closed.

(V.M.V.,J.) (R.H.,J.)

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga

To,

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Department,
Secretariat, Chennai - 600 091.
- 2.The Commissionerate of Municipal Administration,
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Chepauk, Chennai.
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