



W.P.Nos.28733, 26653 & 32781 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.Nos.28733, 26653 & 32781 of 2017

W.P.No.28733 of 2017

R.C.Subramaniam

.. Petitioner

Vs.

1. The Director of Town Panchayat
Kuralagam, Chennai 108.
2. The District Collector
Erode District.
3. The Deputy Director
Town and Country Planning
Salem Zone
No.6, Sannadhi Street
Subramania Nagar, Suramangalam
Salem 636 005.
4. The District Pollution Control Engineer
Erode District.
5. The Additional Director of Town Panchayat
Erode District.

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6. The Executive Officer
Kodumudi Town Panchayat
Kodumudi Taluk, Erode District.

7. The Chairman/President
Tiruneelagandar Marriage Hall
East Agraharam Street
Kodumudi Post
Erode District.

.. Respondents

[R7 impleaded vide order
dated 13.11.2017]

W.P.No.26653 of 2017

P.Shanmugasundaram

.. Petitioner

Vs.

1. The District Collector
Erode Collectorate
Erode District.
2. The Joint Director
Erode District Municipalities
District Collector Complex
Erode.
3. The District Revenue Officer
District Collector Complex
Erode.
4. The Revenue Divisional Officer
Erode Division
Brough Road, Erode.



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5. The Tahsildar
Erode Taluk, Erode.
6. The Executive Officer
Kodumudi Town Panchayat
Kodumudi.
7. The Deputy Director
Town and Country Planning Authority
Salem Zone
No.6, Sannadhi Street
Subramaniya Nagar/Sooramangalam
Salem 636 005.
8. Thiru Neelakandar Mandabam
Rep. by its President Arumugam
East Agraharam Street
Kodumudi Village
Erode Taluk
Erode District.

.. Respondents

W.P.No.32781 of 2017

Thiru Neelakandar Mandabam
Rep. by its President K.C.Aarumugam
Old No.24, East Agrahara Street
Ward No.7, Kodumudi Town Panchayat
Erode District.

.. Petitioner

Vs.

1. The Deputy Director
Town and Country Planning Authority
Salem Zone
No.6, Sannadhi Street
Subramaniya Nagar/Sooramangalam
Salem 636 005.



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2. The Executive Officer
Kodumudi Town Panchayat
Kodumudi
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a

(i) writ of Mandamus directing the respondents to demolish the unauthorised marriage hall, i.e. Thiruneelagandar Kalyana Mandapam situated in S.No.302/2 at Kodumudi Village, Kodumudi Taluk, Erode District;

(ii) writ of Mandamus directing the 6th and 7th respondents to take action against the 8th respondent viz. the Thiru Neelakandar Mandapam, East Agrahara Street, Kodumudi Village, Erode Taluk, Erode District as per Sections 56 and 57 of the Town and Country Planning Act, 1971, by appreciating the above stated facts; and

(iii) writ of Certiorarified Mandamus to call for the records pertaining to impugned order dated 07.12.2017 in Na.Ka.No.465/2014/AA of the 2nd respondent and quash the same and consequently, direct the 2nd respondent to restrain from taking any action till the application bearing Na.Ka.No.465/2014/AA dated 18.05.2016 of the petitioner for planning permission is adjudicated by the first respondent.



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For the Petitioners

: Mr.K.Karthikeyan
(WP No.28733/17)

Mr.M.Guruprasad
(WP No.26653/17)

Mr.K.Elango
(WP No.32781/17)

For the Respondents

: WP No.28733/17

Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 to 3, 5 & 6

Mrs.Rita Chandrasekar
for Respondent-4

Mr.K.Elango
for Respondent-7

WP No.26653/17

Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 to 7

Mr.K.Elango
for Respondent-8

WP No.32781/17

Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 & 2



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COMMON ORDER
(Made by the Hon'ble Chief Justice)

W.P.No.28733 of 2017 is filed as Public Interest Litigation, whereas W.P.No.26653 of 2017 is filed by the neighbour. These writ petitions allege unauthorised construction by the petitioner in W.P.No.32781 of 2017.

2. It is the contention of the petitioner in W.P.No.32781 of 2017 that the construction is legal construction and the first and second floors have been approved by the planning authority.

3. According to the planning authority, the application of the petitioner in W.P.No.32781 of 2017 was returned back on 25.10.2016 and thereafter, no fresh application has been received.

4. It appears that the planning authority had issued lock and seal notice on 15.12.2017 and the same is assailed in W.P.No.32781 of 2017.



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5. The order of status quo was granted in W.P.No.32781 of 2017.

6. It is the planning authority who would consider whether the legitimate permission has been granted to the person or otherwise.

7. The petitioner in W.P.No.32781 of 2017 shall, within fifteen days from today, file a reply along with the documents which it relies upon to support that the construction is authorised. The planning authority shall, thereafter, consider the reply and the documents filed by the petitioner in W.P.No.32781 of 2017 and take a decision with regard to the construction being authorised or otherwise. The said decision shall be taken preferably within one month from the date the documents are placed on record. If the petitioner in W.P.No.32781 of 2017 fails to file the reply and documents within fifteen days from today, then, the planning authority is entitled to proceed further.

8. Depending upon the decision taken by the authority, the parties may take further steps.



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9. The writ petitions are disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.28738, 36113 and 37114 of 2017 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

11.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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32781 of 2017

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