



W.P(MD)No.15839 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 16.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
and  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.15839 of 2023**

Dr.R.Ganesan

... Petitioner

-VS-

1. The Principal Secretary to Government,  
Government of Tamil Nadu,  
Municipal Administration and Water Supply Department,  
Secretariat, Fort.St.George,  
Chennai - 600 009.

2. The Commissioner,  
Kodaikanal Municipality,  
Kodaikanal, Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to de-seal the petitioner's commercial building bearing Door Nos.17/1 to 8 comprised in T.S.No.13/6D4 (Old Survey No. 63/Part) Block No.12, Ward-C, Kodaikanal Municipality, Dindigul District and also to restore the Electricity Service Connection so as to enable the petitioner to prepare the said building within the planning parameters in respect of Multi use Zone category as mentioned in Appendix-A of the Modified Master Plan for Kodaikanal Local Planning Area on the basis of his representation dated 19.05.2023 and for other reliefs.



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For Petitioner : Mr.J.Lawrance  
For R1 : Mr.D.Sachi Kumar  
Additional Government Pleader  
For R2 : Mr.T.S.Mohamed Mohideen

**ORDER**

**[Order of the Court was made by S.S.SUNDAR, J.]**

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to de-seal the petitioner's commercial building bearing Door Nos.17/1 to 8 comprised in T.S.No.13/6D4 (Old Survey No.63/Part) Block No.12, Ward-C, Kodaikanal Municipality, Dindigul District and also to restore the Electricity Service Connection so as to enable the petitioner to prepare the said building within the planning parameters in respect of Multi use Zone category as mentioned in Appendix-A of the Modified Master Plan for Kodaikanal Local Planning Area on the basis of his representation dated 19.05.2023 and for other reliefs.

2. The case of the petitioner is that he is a Doctor by profession and running a Clinic at Dindigul. However, he has constructed a building in an extent of 2080 sq.ft out of the total



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extent of 17424 sq.ft. in the place which comes under the 2<sup>nd</sup> respondent Municipality. The petitioner further stated that he has paid all the necessary charges and applied for plan approval. Though he states that the plan submitted by him was approved by the proceedings dated 27.06.2014 of the 2<sup>nd</sup> respondent, it is admitted now before this Court that the petitioner applied for planning approval by showing the construction as a house, but actual construction is for a commercial purpose namely, to use the building as a lodge. It is in the said circumstances the 2<sup>nd</sup> respondent has issued a notice under Section 56 of the Tamilnadu Town and Country Planning Act, 1971, and later the premises was also put under lock and seal by the 2<sup>nd</sup> respondent pursuant to the direction of this Court.

3. The learned counsel appearing for the petitioner stated that the whole construction put up by the petitioner can be regularised as the land in which the building is located has been classified as multi use zone as per the Modified Master Plan for Kodaikanal.



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4. A counter affidavit is filed by the 2<sup>nd</sup> respondent pointing out the violations of the rules in respect of the building put up by the petitioner. Even though no approval was given for constructing a lodge, it is stated that the petitioner has constructed a building which is meant for using the same as a lodge. Since the entire building has been locked and sealed by the 2<sup>nd</sup> respondent pursuant to the direction of this Court in WP(MD)No.914 of 2018, the 2<sup>nd</sup> respondent prayed for dismissal of the writ petition.

5. This Court after hearing both the parties is of the view that as regards the violations noted by the 2<sup>nd</sup> respondent, there is a possibility of regularisation upon the petitioner files an application. Therefore, with a direction to the petitioner to submit a representation to the respondents seeking regularisation of the building in accordance with the Master Plan now in vogue, this Writ Petition is closed. On receipt of the said representation to be filed by the petitioner for regularisation or for retention of the building within a period of two weeks from the date of receipt of a copy of this order, the respondent shall consider and dispose of the same on merits and in accordance with law and pass a



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speaking order within a period of three weeks from the date of receipt of the application. Till such time the application submitted by the petitioner for regularisation or retention of the building, is considered on merits, the respondents shall not demolish the building. If the petitioner is required to do any alterations pursuant to the direction or order that may be passed by the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> respondent shall permit him to do the same by resealing the building. It is also made clear that the petitioner shall not use the building for any commercial purpose taking advantage of resealing as it has been ordered to be done only for the purpose of carrying out the alterations as may be required by the 2<sup>nd</sup> respondent. No costs.

**[S.S.S.R, J.] [D.B.C., J.]**  
**16.08.2023**

Index : Yes / No  
Neutral Citation : Yes / No  
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To

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