



**W.P.(MD) No.18408 of 2023**

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

**DATED : 31.07.2023**

**CORAM:**

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

**W.P.(MD) No.18408 of 2023  
and  
W.M.P.(MD) Nos.15281 & 15283 of 2023**

P.Chellaperumal

... Petitioner

-vs-

1.The Commissioner  
Sattur Municipality  
Sattur Town, Virudhunagar District

2.The Assistant Director  
District Town and Country Planning Authority  
TNHB Colony, Maduri Road  
Virudhunagar Town & District

3.K.Soundarapandian

4.R.Navaneetha Krishnan @ Ambaresan

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order made in Notice No.1/2023, dated 05.05.2023, on the file of the first respondent herein and to quash the same.



**W.P.(MD) No.18408 of 2023**

WEB COPY

For Petitioner : Mr.M.Thirunavukkarasu  
For Respondents : Mr.D.Sachi Kumar  
Additional Government Pleader for R1 & R2  
Mr.M.Mahaboob Athiff for R3 & R4

**ORDER**

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

Mr.D.Sachi Kumar, learned Additional Government Pleader, takes notice for the respondents 1 & 2 and Mr.M.Mohaboob Athiff, learned counsel, takes notice for the respondents 3 & 4.

**2.** With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

**3.** This writ petition is filed challenging the notice, dated 05.05.2023, issued by the first respondent, directing removal of unauthorized development / construction.



**W.P.(MD) No.18408 of 2023**

WEB COPY

4. The petitioner is a resident of Sattur Town, Virudhunagar District and he claims that he is the President of Yadava Nandavanam Trust. Earlier, a writ petition was filed before this Court in W.P.(MD) No.11427 of 2023 in the name of the said Trust challenging the very same impugned notice. However, later, the said writ petition was dismissed as withdrawn as the petitioner therein had no *locus standi* to maintain the writ petition.

5. The third respondent also filed a writ petition in W.P.(MD) No. 3139 of 2023 before this Court for issuance of a writ of mandamus directing the Deputy Director, District Town and Country Planning Authority and the Commissioner, Sattur Municipality to prevent the illegal development made in T.S.No.270, Ward-C, Block-17, Vellakarai Road, Sattur Municipality, Virudhunagar District, by considering his representation dated 18.07.2022 and this Court, by order dated 16.02.2023, disposed of the said writ petition with a direction to the Deputy Director, District Town and Country Planning Authority, to dispose of the third respondent's representation dated 18.07.2022, on merits and in accordance with law.



**W.P.(MD) No.18408 of 2023**

WEB COPY

**6.** The facts narrated above and the representations made by the learned counsel on either side, show that the petitioner and the third respondent are trying to establish title over the property in T.S.No.270, Ward-C, Block-17, Vellakarai Road, Sattur Municipality, Virudhunagar District. When the third respondent filed an objection to the construction put up by the petitioner in the said property, the impugned order came to be passed.

**7.** It is admitted that the third respondent has already filed a civil suit in O.S.No.158 of 2022, on the file of the Principal District Court, Srivilliputtur, for declaration and recovery of possession and the same is pending disposal.

**8.** It is also now admitted by the learned counsel for the petitioner as well the learned counsel for the respondents 3 & 4 that the petitioner may be permitted to raise his objections in terms of Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971 and the official respondents, thereafter, may be directed to consider the same and pass appropriate orders, in the light of the materials placed before him and on merits and in accordance with law, within a period of six weeks thereafter.



**W.P.(MD) No.18408 of 2023**

WEB COPY

9. In view of the above conjoint submissions of the learned counsel on either side, this writ petition is disposed of with a direction to the petitioner to raise his objections to the official respondents in terms of Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the official respondents shall consider the same and also the objections of the third respondent, if any, and pass orders on merits and in accordance with law, without prejudice to the contentions raised by the third respondent in the civil suit in O.S.No.158 of 2022, on the file of the Principal District Court, Srivilliputtur, on his title, within a period of six weeks thereafter. It is needless to state that the third respondent may also approach the Civil Court for appropriate interim orders. No costs. Consequently, connected miscellaneous petitions are closed.

**[S.S.S.R., J.]**

**[D.B.C., J.]**

**31.07.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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**W.P.(MD) No.18408 of 2023**

WEB COPY

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