



WEB COPY



W.P.No.1937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Writ Petition No.1937 of 2024
and WMP No.2046 of 2024

K.Harinarayanan

.. Petitioner

Vs.

1. The Collector – Thiruvallu,
Office of the Collectorate,
Thiruvallur 602 001.
2. The Block Development Officer,
Ellapuram Block,
Uttukottai Taluk, Tiruvallur District.
3. The Tahsildar,
Uthukkottai Taluk,
Thiruvallur District 602 026.
4. Revenue Divisional Officer,
Office of the RDO – Thiruvallur District,
Bharathiyar ST, SP Nagar,
Thiruvallur – 602 003.

5. Velu

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner representation dated 03.11.2023 and further direct the 1 to 4 respondents to demolish the unauthorized construction made by the fifth respondent in New S.No.1009/9 and Old S.No.578B/20 of Kannigaipair Village, Uttukottai Taluk, Tiruvallur District.

For Petitioner : Mr.S.Karthikeyan
for M/s.Reshmi Christy

For Respondents : Mr.P.Balathandayutham
Special Government Pleader, for RR 1, 3 & 4

Mr.R.Siddharth, for R2

Mr.Ravichandran Sundaresan, for R5

ORDER

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

The petitioner seeks a Mandamus directing the official respondents viz. respondents 1 to 4 to take action against the unauthorised construction being made by the fifth respondent in new Survey No.1009/9, old Survey No.578B/20 of Kannigaipair Village, Uthukottai Taluk, Tiruvallur District.



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2. The second respondent has filed a counter stating that the construction in Survey No.1009/9 is being carried out without planning permission. It is also stated that the land in Survey No.1009/9 is classified as Government Kalimanai Grama Natham as per the A-Register.

3. The learned counsel appearing for the fifth respondent would contend that he has obtained a sanctioned plan for construction in Survey No.1009/8 and the portion of the construction is on 1009/9 also. The learned counsel would rely upon Rule 72 of the Tamil Nadu Combined Development and Building Rules, 2019 which empowers the Government to grant exemption in respect of certain buildings.

4. Sub Rule 2 of Rule 72 Tamil Nadu Combined Development and Building Rules, specifically provides that exemption granted under Sub Section (1) cannot be deemed to be an approval or permission for construction or reconstruction. Therefore, it is obligatory on the part of a person, who intends raising a construction to obtain a planning permission before raising the construction. The petitioner had made a complaint on



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03.11.2023, it is almost a year now. The respondents 1 to 4 have not taken any action.

5. Hence, the Writ Petition is disposed of with the direction to the second respondent to take appropriate action under the Tamil Nadu Town and Country Planning Act, for the violations committed by the fifth respondent. If the fifth respondent has a sanctioned plan for the construction, the official respondents will not disturb the said construction which is covered by the sanctioned plan. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
27.11.2024

jv

Index: No
Internet: Yes
Speaking order
Neutral Citation: No



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