



W.P.No.34402 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

**W.P.No.34402 of 2024**

Smt.T.Revathi

W/o.Mr.Thiyagarajan

... Petitioner

VS

1. The District Collector

Kancheepuram

Kancheepuram District

2. The President

Panchayat Board

Having Office at Pillaiyar Koil Street

Kozhumanivakkam – Mangadu

Kancheepuram District

Pincode – 600 122

3. The Chairman

Panchayat Board

Having Office at Pillaiyar Koil Street

Kozhumanivakkam – Mangadu



W.P.No.34402 of 2024

Kancheepuram District  
Pin: 600 122

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4. The Tahsildar  
Kundrathur, Mangadu  
Kancheepuram District
5. Smt.Latha Kumari  
W/o.Mr.Sankara Vadivel
- 6.Mr.Sankara Vadivel  
S/o.Mr.A.M.Sambandam

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the second respondent herein to initiate action and enquiry in respect of property situated in Survey No.9/1 & 9/2 measuring at 1000 sq.ft, at Plot No.41, Srinivasa Nagar, Kozhumanivakkam Village, Kundrathur, Chennai – 600 069 to demolition of illegal construction put up by the respondents 5 and 6 on the basis of the representation made by the petitioner on 31.08.2024.

For Petitioner : Mr.S.Hussain Afrose

For Respondents : Mr.V.Ravi  
Spl. Govt. Pleader for R1 to R4



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W.P.No.34402 of 2024

## **ORDER**

(Order of the Court was made by M.SUNDAR, J.)

Captioned writ petition pertains to properties situate in 'Survey Nos.9/1 & 9/2, ad-measuring 1000 sq.ft at Plot No.41, Srinivasa Nagar, Kozhumanivakkam Village, Kundrathur, Chennai – 600 069' [hereinafter 'said property' for the sake of brevity].

2. Mr.S.Hussain Afroze, learned counsel for writ petitioner submits that R5 & R6, who are private respondents, have put up construction in said property. Learned counsel submits that the construction is without permission of the Executive Authority.

3. Issue notice to official respondents.

4. Mr.V.Ravi, learned Special Government Pleader accepts notice for official respondents i.e., Respondents 1 to 4.

5. Mr.V.Ravi, learned State counsel submits, on instructions, that the alleged construction made in violation without permission of the Executive Authority is situate in land which is said to belong to writ



W.P.No.34402 of 2024

petitioner. This means that it is necessary to inspect the property, ascertain if there is any violation qua permission and thereafter initiate action if that be so, after putting alleged violators and all concerned on notice.

6. Owing to the limited scope of the captioned writ petition, main writ petition is taken up in the Admission Board with the consent of both sides.

7. We find that the relevant Act is 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'TN Panchayats Act' for the sake of brevity] and the Rules being 'the Tamil Nadu Panchayats Building Rules, 1997' [hereinafter 'Panchayats Building Rules' for the sake of brevity]. Rule 34 of Panchayats Building Rules is of relevance and the same reads as follows:

*'34. Demolition or alteration of building works unlawfully commenced carries on or completed: (1) If the executive authority is satisfied -*

*(i) that the construction or reconstruction of any building;*



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W.P.No.34402 of 2024

*(a) has been commenced without obtaining the permission of the Executive Authority; or*

*(b) is being carried or has been completed otherwise than in accordance with the plans and particulars on which such approval or order was passed; or*

*(c) is being carried on, or has been completed breach of any of the provisions of this Rules;*

*(ii) that any alterations required by any notice issued under these Rules have not been duly made; or*

*(iii) that any alteration of or addition to any building on any other work made or done for any purpose, into or upon any building has been commenced or is being carried on or being completed in breach of Rules, he may make a provisional order requiring the owner or the builder to demolish the work done or so much of it as, in the opinion of Executive Authority, has been unlawfully executed on to make such alteration as may in the opinion of the Executive Authority be necessary to bring the work into conformity or with the rules, direction or requisitions as aforesaid with the plans and particulars on which such permission or order was passed, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building.'*

8. As regards the expression 'Executive Authority' occurring in



W.P.No.34402 of 2024

Rule 34, the same has been defined in Rule 2(e) of TN Panchayats Act and Section 2(e) of TN Panchayats Act reads as follows:

*'2(e) "Executive Authority" means a person notified as such by the Government under Section 83.'*

9. Learned State counsel submits that *inter-alia* R2 has been notified vide Section 83. This means that the Executive Authority is R2 before us.

10. Let R2 issue notice to R5 and R6 and all concerned, thereafter inspect the alleged construction and proceed in accordance with law if the construction has been put up without permission or in violation of permission after giving adequate opportunity to the alleged violators, more particularly, R5 and R6. We make it clear that all the rights and contentions of R5 and R6 are preserved when they are put on notice.



W.P.No.34402 of 2024

11. Let the above exercise be completed as expeditiously as the business of R2 would permit, preferably in twelve weeks from today.

Captioned writ petition disposed of in aforesaid manner. There shall be no order as to costs.

[M.S., J] [K.R.S., J]  
25.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order  
gpa

To

1. The District Collector  
Kancheepuram  
Kancheepuram District
2. The President  
Panchayat Board  
Having Office at Pillaiyar Koil Street  
Kozhumanivakkam – Mangadu  
Kancheepuram District  
Pincode – 600 122
3. The Chairman  
Panchayat Board  
Having Office at Pillaiyar Koil Street  
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W.P.No.34402 of 2024

Pin: 600 122  
4. The Tahsildar  
Kundrathur, Mangadu  
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**M.SUNDAR,J.,**  
**and**  
**K.RAJASEKAR, J.,**  
  
**gpa**

W.P.No.34402 of 2024

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