



W.P.(MD) No.17128 of 2012

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.17128 of 2012

and

M.P.(MD)No.1 of 2012

Muthamizh Nagar Vaazgha Valamudan Street,  
Residents Welfare Association,  
Rep. by its Secretary,  
S.Athimoolam

... Petitioner

-Vs-

1.The Director of Town and Country Planning,  
807, Anna Salai, Chennai-600 002.

2.The District Collector,  
Dindigul, Dindigul District-624 004.

3.The Assistant Director Cum Member Secretary,  
Dindigul Local Town Planning Authority,  
Spencer's Compound, Nagal Nagar P.O.,  
Dindigul-624 003.

4.The Superintendent of Police,  
Dindigul, Dindigul District.

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5.The Tahsildar,  
Dindigul Taluk, Dindigul-624 001.

6.S.Valliyappan

7.V.Gnanasekari

8.The Commissioner,  
Dindigul City Municipal Corporation,  
Dindigul.

... Respondents

(R8 is impleaded vide Court order dated 18.01.2024 made in W.M.P.(MD)No. 3995 of 2016)

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take immediate action as per Sections 3 and 15 of the Tamil Nadu Public Buildings Licensing Act, 1965 and Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 and forthwith seal the mansion and the buildings in VGS complex including all meeting halls, kalyan mandapams, swimming pool mansion and two playgrounds, situated in Town Survey No.1303/16, 18<sup>th</sup> Ward, Door No.10/3 in Vaazgha Valamudan Street, LGB Compound, Dindigul Town and further to take suitable action to restrain the private respondents from allowing the buildings to be used as public buildings.

For Petitioner : Mr.H.Lakshmi Shankar

For R1 to R3 : Mr.T.Amjadkhan,

& R5 Government Advocate

For R4 : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

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For R6 & R7 : M/s.AL.Gandhimathi, Senior Counsel  
For Mr.A.Sivasubramanian

**ORDER**

**[Order of the Court was made by *D.KRISHNAKUMAR, J.*]**

Heard the learned counsel on either side.

2.Since this Writ Petition is of the year 2012, till date, the respondents have not filed any counter affidavit. Therefore, we are inclined to decide this matter only based on the materials available on record.

3.According to the petitioner Association, the property, named as VGS Complex, comprising two marriage halls, Mansions, Meeting Halls, Swimming Pool and Playgrounds situated at T.S.No.1303/16, 18<sup>th</sup> Ward, Door No.10/3 in Vaazgha Valamudan Street, LGB Compound, Dindigul Town, belongs to the private respondents. At the time of marriage functions, they are creating noise pollutions and therefore, the petitioner Association made a complaint before the authority concerned for taking action against the private respondents and further,

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the private respondents have not obtained any permission from the competent authority for construction of marriage halls as well as mansion in the property in question. Further, there is no other licence obtained from the authority concerned to conduct marriage functions in the property in question.

4.The learned Senior Counsel appearing for the private respondents by producing the copy of Form-D Licence issued by the 5<sup>th</sup> respondent, submitted that licence is granted by the 5<sup>th</sup> respondent till 30.06.2025 only with respect to V.G.S. Meeting Hall and V.G.S. Mansion Building and in respect of the marriage halls, the private respondents have applied for regularization and the application is pending before the authority concerned.

5.It is pertinent to note that there is no such material placed before this Court, showing that the private respondents obtained permission for construction of the marriage halls. Therefore, we are of the view that as on today, the private respondents are conducting marriage functions in the property in question unauthorizedly. Accordingly, till the application for regularization is considered



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and decided by the authority concerned, the private respondents shall not conduct any marriage functions in the building in question.

6.As far as the removal of unauthorized construction is concerned, it is brought to the notice of this Court that demolition notice has already been issued by the 8<sup>th</sup> respondent. Therefore, the authority concerned shall proceed with the said notice and take appropriate action after affording opportunity to the parties concerned. It is made clear that the private respondents shall also place all the materials before the authority concerned.

7.At this stage, the learned Senior Counsel appearing for the private respondents would submit that already some persons have booked the marriage halls for the month of January, 2024 and therefore, permission may be granted for conducting marriages in the booked dates and the private respondents will not book any new marriage functions to be conducted in the property in question.



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8. When that being so, the private respondents shall submit the details, containing the name of the persons, who already booked for the month of January, 2024 to the authority concerned. On perusal of the said details and the records, the authority concerned shall impose necessary conditions for conducting marriage functions upto the period of 31.01.2024. It is made clear that at any circumstances, the private respondents are not permitted to conduct any marriage functions or any other commercial activities in the marriage halls, till final decision is taken by the authority concerned.

9. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.] & [R.V., J.]**  
**18.01.2024**  
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NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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**R.VIJAYAKUMAR, J.**

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