



W.P.(MD) No.12954 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.12954 of 2024

and

W.M.P.(MD) Nos.11499 & 11500 of 2024

V.Panchalingam

... Petitioner

-vs-

- 1.The Additional Secretary (Technical)
Housing and Urban Development Department
Secretariat, Chennai
- 2.The District Collector cum
Executive Magistrate
Theni District, Theni
- 3.The Assistant Director
Town & Country Planning Authority
Theni, Theni District
- 4.The Member Secretary
Theni-Allinagaram Municipality
Local Planning Authority
Theni, Theni District
- 5.The Commissioner
Theni-Allinagaram Municipality
Theni, Theni District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records in pursuant to the impugned order in letter No.3426601/UD4(L.Re.2)/2023-3, dated 09.10.2023, of the first respondent and quash the same as illegal and forbearing the respondents, their officials, and subordinates from initiating any coercive action in respect of the premises which situated in Theni District, Theni Taluk, Allinagaram Village, Ayan Punjai Survey No.275/2 to an extent of 6 Cents in Door No.356/B8, 356/B9, 356/B10, 356/B11, 356/B12.

For Petitioner : Mr.R.M.Suresh

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4
Mr.G.Kaleeswaran for R5

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 4 and learned counsel for the fifth respondent.



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2. It is obvious that the petitioner had put up unauthorized construction. He appealed to the Government under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971. The said petition was disposed of on 09.10.2023 by the Government in the following terms:

“8.Considering the above facts and submissions made, the Government hereby grant three months time to the petitioner to obtain reclassification of the site from Agricultural use zone to Residential use zone and simultaneously carry out necessary rectification in the building to satisfy TNCDBR-2019 and to obtain approval for the rectified building within the time specified, failing which the Theni-Allinagaram Municipality shall proceed with further action as per the provisions of TNT & CP Act, 1971.”

3. It is seen that the petitioner had not obtained reclassification within the time limit mentioned above. Instead of approaching the Government for extension of time, the petitioner has erroneously filed this writ petition challenging the impugned order dated 09.10.2023. We, taking into consideration the overall facts and circumstances, permit the petitioner to file a fresh petition before the first respondent seeking extension of time.



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4. With the above liberty, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., A.C.J.] [G.R.S., J.]

19.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk / ias

To:

- 1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai.
- 2.The District Collector cum
Executive Magistrate,
Theni District, Theni.
- 3.The Assistant Director,
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Theni, Theni District.
- 4.The Member Secretary,
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