



W.P(MD)No.21273 of 2021

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

**DATED : 25.03.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.21273 of 2021**

M.Karpooram Chettiyar

... Petitioner

vs.

- 1 The District Collector,  
Sivagangai District,  
Sivagangai.
- 2 The Commissioner,  
Sivagangai Municipality,  
Thondi Road,  
Sivagangai-630 561.
- 3 The Deputy Director of  
Town and Country Planning,  
Sivagangai Region,  
Sivagangai.
- 4 The Building Inspector,  
Sivagangai Municipality,  
Sivagangai.
- 5 M.Annadurai Chettiar

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to remove the lock and seal of the 1<sup>st</sup> floor of petitioner's building in Door No.59/5, Judge Rajasekar Road, Weekly Market Road, Sivagangai and to obtain the bond executed by him as per the proceedings of the 2<sup>nd</sup> respondent dated 18.02.2021 vide Na.Ka.No.2832/2020F1 and to obtain the



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building plan permission under Building Regulation Scheme in accordance with law on the basis of his representation dated 15.12.2020 and consequent representations dated 28.12.2020 and 25.10.2021 within the time stipulated by this Honourable Court.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.Babu Rajendran                               |
| For R-1 & R-3  | : Mr.S.P.Maharajan,<br>Special Government Pleader |
| For R-2 & R-4  | : Mr.J.Lawrence                                   |
| For R-5        | : Mr.V.S.Kumaraguri                               |

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to remove the lock and seal of the 1<sup>st</sup> floor of petitioner's building in Door No.59/5, Judge Rajasekar Road, Weekly Market Road, Sivagangai and to obtain the bond executed by him as per the proceedings of the 2<sup>nd</sup> respondent dated 18.02.2021 vide Na.Ka.No.2832/2020F1 and to obtain the building plan permission under Building Regulation Scheme in accordance with law on the basis of his representation dated 15.12.2020 and consequent representations dated 28.12.2020 and 25.10.2021.

2. The learned Standing Counsel appearing for the second respondent Municipality would contend that that a portion of the first floor of the subject building has been constructed by the petitioner unauthorizedly and



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therefore, they have already initiated action against the petitioner and sealed the first floor of the petitioner and the petitioner is residing in the ground floor.

3. In view of the above, we are not inclined to accept the request of the petitioner to de-seal the first floor of the building. It is for the Municipality to take necessary action for removal of unauthorized construction by following the procedure contemplated under law after providing opportunity to the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition stands disposed of.  
No Costs.

**[D.K.K.,J.] [R.V.,J.]**  
**25.03.2024**

NCC : Yes / No  
Index : Yes / No  
PM



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To

WEB COPY

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WEB COPY



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**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

PM

**ORDER MADE IN**  
**W.P(MD)No.21273 of 2021**

**DATED : 25.03.2024**