



W.P(MD)No.24973 of 2022

WEB COPY 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.24973 of 2022
and
W.M.P(MD)Nos.19088 & 19090 of 2022**

M.Rajvel Sankaralingam

... Petitioner

VS.

1.The Commissioner,
Panchayath Union,
Virudhunagar,
Virudhunagar District.

2.The President/Executive Officer,
Chathirareddiyapatti Village Panchayath,
Virudhunagar District.

3.The Executive Engineer,
TANGEDCO,
Virudhunagar Circle,
Virudhunagar – 626 001.

4.J.Nachiyar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take steps towards the locking and sealing, and/or demolition of the



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unauthorized constructions put up by the fourth respondent, in violation of the planning permission accorded to them by the second respondent, under existing Tamil Nadu Panchayath Building Rules, in the property situated at Old RS No.482/1, Old Patta No.467, Plot No.1A, New Patta No.3362, New RS No.482/5, Chathirareddiyapatti Village and Panchayath, Virudhunagar District.

For Petitioner	: Mr.S.Ramsundar Vijayraj
For Respondent Nos.1 & 2	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.3	: Mr.S.Deenadhayalan
For Respondent No.4	: Mr.M.Ashok Kumar

ORDER

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

Prayer in this writ petition is to direct the respondents 1 and 2 to take steps towards the locking and sealing, and/or demolition of the unauthorized constructions put up by the fourth respondent, in violation of the planning permission accorded to them by the second respondent, under existing Tamil Nadu Panchayath Building Rules, in the property situated at Old RS No.482/1, Old Patta No.467, Plot No.1A, New Patta No.3362, New RS No.482/5, Chathirareddiyapatti Village and Panchayath, Virudhunagar District.

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2. According to the petitioner, though the second respondent has granted permission for constructing two shops and the planning permission consists only the ground floor portion alone, the fourth respondent has put a construction by constructing a permanent staircase to the first floor in the building in question. Further, the fourth respondent has also violated necessary rules as framed in the Tamil Nadu Combined Development and Building Rules, 2019, in putting up the construction in the above stated building in question. Ventilating the same, on 07.06.2022, the petitioner sent a representation to the second respondent. However, there was no response from the second respondent. Therefore, the petitioner has filed the present Writ Petition.

3. According to the learned counsel appearing for the fourth respondent, the fourth respondent has got approval from the competent authority.

4. Considering the facts and circumstances of the case, since the representation of the petitioner dated 07.06.2022 is pending consideration, we direct the second respondent to consider the same on its own merits and in accordance with law, after providing due opportunity to the parties



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concerned, within period of twelve weeks from the date of receipt of a copy of this order. Needless to state that if any unauthorized construction or any violation of the relevant rules are found, necessary action shall be taken for removal of the same in accordance with law.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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DATED : 25.03.2024