



W.P.(MD) No.23186 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM:

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

AND

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

W.P.(MD)No.23186 of 2023

and

W.M.P.(MD)Nos.19394 and 19396 of 2023

S.Ganesan

... Petitioner

-Vs-

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Town and Country Planning,
St.George Fort, Chennai.
- 2.The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.
- 3.The Deputy Director,
Deputy Director of Town and Country Planning Office,
Collectorate Campus, Sivagangai District.
- 4.The Sivagangai Local Planning Authority,
Rep. by its Member Secretary (District Collector),
Collectorate, Sivagangai District.
- 5.The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District.



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6.V.Shalini

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 5 to consider the petitioner's representation dated 31.07.2023 and take appropriate steps as against the unauthorized and illegal construction of building in T.S.No.7/3, Block-15, Ward-A, Thiruppathur Road, Devakottai, Sivagangai District and demolish the same in pursuant to the Form-VI notice dated 03.05.2023 (issued under Rule 6(2)) of the Tamil Nadu Town and Country Planning Act, 1971 within a time stipulated by this Court and remove the unauthorized construction of building in accordance with law.

For Petitioner	: Mr.V.Meenakshi Sundaram
For R1 to R4	: Mr.S.P.Maharajan, Special Government Pleader
For R5	: Mr.M.Bharathi Kannan, Standing Counsel
For R6	: Mr.N.Dilip Kumar, for Mr.S.Ramesh Kumar

ORDER

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

This Writ Petition is filed seeking for a direction to the respondents 3 to 5 to consider the petitioner's representation dated 31.07.2023 and take appropriate steps as against the unauthorized and illegal construction of building in



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T.S.No.7/3, Block-15, Ward-A, Thiruppathur Road, Devakottai, Sivagangai

District and demolish the same in pursuant to the Form-VI notice dated 03.05.2023 (issued under Rule 6(2)) of the Tamil Nadu Town and Country Planning Act, 1971 within a time stipulated by this Court and remove the unauthorized construction of building in accordance with law.

2.The learned counsel appearing for the 5th respondent submitted that there is a deviation in the building plan approved by the respondent Municipality and no such application for revised plan is submitted before the authority concerned and further demolition notice has also been served to the 6th respondent.

3.Considering the submissions made by the learned counsel for the 5th respondent, we permit the 6th respondent to submit an application for revised plan before the respondent Municipality within a period of twelve weeks from the date of receipt of a copy of this order and if the 6th respondent has not submitted any application within the time stipulated above, the respondent Municipality is directed to proceed further for removal of unauthorized construction without any further delay.



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4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
26.03.2024

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

Yuva

To

1. The Secretary,
State of Tamil Nadu,
Department of Town and Country Planning,
St. George Fort, Chennai.
2. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai.
3. The Deputy Director,
Deputy Director of Town and Country Planning Office,
Collectorate Campus, Sivagangai District.
4. The Member Secretary (District Collector),
Sivagangai Local Planning Authority,
Collectorate, Sivagangai District.
5. The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District.



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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

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