



W.P.No.8900 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.8900 of 2025

Saraswathi Ammal

W/o Basavaraj

.. Petitioner

v.

1. The Assistant Director

District Town and Country Planning Department

No.63, Pidamaneri Road

Appavoor Nagar, Dharmapuri

2. The Executive Officer

Harur Selection Grade Town Panchayat

Dharmapuri District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to regularize the building plan approval and levy property tax for petitioner's altered residential building situated at Survey No.8/2A1, Plot No.10, Mettupatti Village, Harur Taluk, Dharmapuri District with an extent of 570 sq.ft.

For Petitioner :: Mr.D.Rajagopal

For Respondents :: Mrs.E.Ranganayaki
Additional Government Pleader



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the respondents to regularize the building plan approval and levy property tax for petitioner's altered residential building situated at Survey No.8/2A1, Plot No.10, Mettupatti Village, Harur Taluk, Dharmapuri District with an extent of 570 sq.ft.

2. Even as per the statement of the petitioner, the commercial building was constructed without obtaining building plan permission. Since it is a residential area, the learned counsel for petitioner would submit that an application was submitted for issuing building plan permission to construct the residential house. The said application is pending before the authorities. Thus a direction is to be issued to regularize the construction already made by granting building plan approval.

3. The learned Additional Government Pleader for the respondents



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made a submission that the building is wholly unauthorized. There is no building plan permission at all. The petitioner initially submitted an application seeking building plan approval. The said application was rejected by the authorities.

4. However, the fact remains that no building plan permission was granted for construction of either commercial or residential building. The petitioner admits the fact that construction has been made and the said commercial construction was converted as residential building. Since the building is wholly unauthorized, the application subsequently filed seeking regularization or revised plan approval is not entertainable. The authorities are bound to initiate action. In view of the fact that the building is wholly unauthorized, the respondents are directed to initiate enforcement action and to ensure that the unauthorized constructions are removed. With these observations, the writ petition stands dismissed. Consequently, W.M.P.No.9999 of 2025 is also dismissed. No costs.

Index : yes

(S.M.S.,J.)

(K.R.S.,J.)



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Neutral citation : yes/no

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To

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District Town and Country Planning Department
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Appavoor Nagar, Dharmapuri
2. The Executive Officer
Harur Selection Grade Town Panchayat
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S.M.SUBRAMANIAM,J.

AND

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