



WEB COPY

WP No. 9112 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

**WP No. 9112 of 2024
and
W.M.P.No.10137 of 2024**

1. J.Franklin Selvaraj
S/o. S.Jebamalai Nathan, Plot No. 645,
D.No. 674- B, Kamrajar Street,
V.K.S.Pandian Nagar Extension,
Opposite To Electricity Sub- Station,
Eraianur Village, Tindivanam Taluk,
Villupuram District.

Petitioner(s)

Vs

1. The District Collector
Villupuram District, District
Collectorate, Villupuram.

2.Assistant Director (Panchayat Union)
District Collectorate, Collector Office
Road, Villupuram.

3.The Block Development Officer
Marakkanam Union, Marakkanam.



4.The President

Eraiyannur Panchayat, Eraiyannur Post,
Tindivanam Taluk.

5.R.Revathi

W/o.K.Radha, Residing at Plot No.601,
Door No.1/601, V.K.S.Pandiyannagar
Extension, Eraiyannur Village,
Tindivanam Taluk, Villupuram District.

6.K.Radha

S/o.Krishnan, Residing at Plot No.601,
Door No.1/601, V.K.S.Pandiyannagar
Extension, Eraiyannur Village,
Tindivanam Taluk, Villupuram District.

7.The Assistant Director,

Town and Country Planning, TAHDCO
Building, G.H.Road,
Villupuram.605 602.

(R7-Suo Motu impleaded as per Order
dated 05.03.2025 in WP.No.9112/2024
by SMSJ and KRSJ)

Respondent(s)

PRAYER

To direct the respondents 3 and 4 to take necessary steps to remove the unauthorized constructions made by the respondents 5 and 6 in the ground, 1st and 2nd floors in Door No.1/ 601, Situated at V.K.S. Pandian Nagar Extension, Eraiyannur Village, Tindivanam Taluk, Villupuram District consequent to the communication dated 30.11.2023 sent by the 2nd Respondent in his proceeding Na.Ka. No.O.Mu (A2)/ 3313/ 2023 to the 3rd respondent in pursuant to the Petitioners representation dated 10.11.2023 sent to the respondents 1 to 4.



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For Petitioner(s): Mr. T. G.V. Ramanigopal

For Respondent(s): Mr. G. Amedius,
Government Advocate
For RR1, 2 & 7

Mr. M. Muthusamy,
Government Advocate
For RR3 & 4

Mr. J. Joseph Stalin,
For RR5 & 6

ORDER

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

The writ of mandamus has been instituted to direct the respondents No.3 and 4 to take necessary steps to remove the unauthorized constructions made by the respondents No.5 and 6 in the ground, 1st and 2nd floors in Door No.1/ 601, Situated at V.K.S.Pandian Nagar Extension, Eraiyanur Village, Tindivanam Taluk, Villupuram District consequent to the communication dated 30.11.2023 sent by the 2nd respondent in his proceeding Na.Ka.No.O.Mu (A2)/ 3313/2023 to the 3rd respondent in pursuant to the petitioner's representation dated 10.11.2023 sent to the respondents 1 to 4.



2. Pursuant to the interim direction issued by this Court, the Assistant

Director, District Town and Country Planning Office, Villupuram District filed a

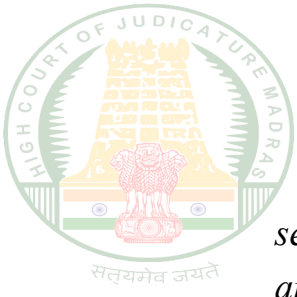
Status Report. The unauthorized constructions and its extent are stated in the

Status Report as under:

“3.I stated that Residential Building (Ground Floor + First Floor) is field inspected on 20.03.2025. During the site inspection, it is found that Building has been constructed & Measured as 15.2m on North to South & 9m on East to West side and Total buildup Area of 2945 sq.ft. Height of the building is 6.9m and set back violations are identified as per TNCDBR 2019 rules, as follows,

Tamil Nadu Combined Development and Building Rules, 2019 as given in the Tabulation below:

Sl. No.	Rule No.	Description	Required	Available	Less/remarks
1)	35 E (i) (Abutting road width upto 9m)	Front Setback - (South Side)	1.5m	0.9m	0.6m – Violation
2)	35 E (ii)	Side Setback	1 m on one side	Averaged East Side - 0.45m	0.55m – Violation
				West Side – Nil	-
3)	35 E (iii) (Height of the building upto 7m)	Rear Setback – North	Nil	Nil	Nil



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4.I humbly submit *that above Residential building front set back & side setback are less than the minimum requirement and It violates TNCDBR 2019 – rule no.35. Planning parameters for Non High Rise Building – All Buildings not exceeding 18.30 m in height.*

5.I further submit that as per G.O.(Ms).No.265, Housing and Urban Development Department dated 21.12.2022 the following powers were delegated to local authority for Building permissions,

I.That delegation of powers to Local bodies for issuing planning permission for residential use upto FSI Area of 10,000 sq.ft. and upto 8 dwelling units not exceeding 12 Meters of height upto stilt + 3 floor or Ground + 2 floors.

II. Commercial building upto 2000 sq.ft builtup area.

6.I humbly submit that the above Residential building has been constructed for the Buildup area of 2945 sq.ft. as per above G.O.(Ms).No.265 Housing and Urban Development Department dated:21.12.2022, the local authorities have powers to furnish building permission. In this case as the building is violated and the Local authority having a power to issue the notice under Section 56 & 57 of Town & Country Planning Act, 1971.

7.It is submitted that as per the above G.O.(Ms).No.265 Housing and Urban Development Department dated 21.12.2022 & Town and Country Planning Act, 1971, the local authority shall have to take action on the Residential building in accordance with law.”



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3. In view of the Status Report filed, based on the inspection and survey conducted by the competent authorities, the respondents No.1 to 4 are directed to demolish the unauthorized portion of the subject constructions and restore the buildings as per the Building Plan Approval granted by the Competent Authorities within a period of twelve (12) weeks from the date of receipt of a copy of this Order.

4. The writ petition stands allowed. There shall be no order as to costs.
Consequently, the connected miscellaneous petition stands closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

08-04-2025

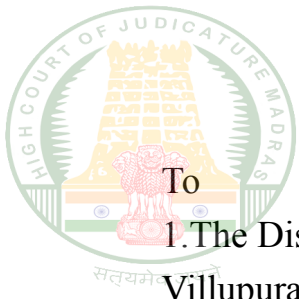
ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.The District Collector

Villupuram District, District Collectorate,
Villupuram.

2.Assistant Director (Panchayat Union)

District Collectorate, Collector Office Road,
Villupuram.

3.The Block Development Officer

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4.The President

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W/o.K.Radha, Residing At Plot No.601, Door
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