



W.P.Nos.17699 & 17702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

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CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.Nos.17699 & 17702 of 2024

and

W.M.P.Nos.19459 & 19461 of 2024

1.Nagalakshmi

... Petitioner
in WP.No.17699/2024

2.K.Samraj

... Petitioner
in WP.No.17702/2024

Vs.

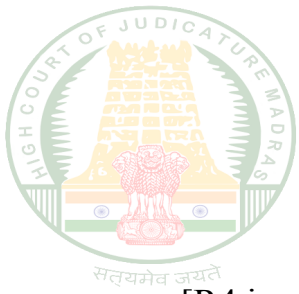
1.The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi, Thirupathur District.

2.The Director Town and Country Planning,
Opposite to LIC, Chengalvayan,
Building, Fourth Floor, 807,
Anna Salai, Chennai – 600 002.

3.The Secretary to Government,
Town and Country Planning,
Secretariat, Chennai – 600 009.

4.G.B.Nanda Kumar

... Respondents
in 2WPs



W.P.Nos.17699 & 17702 of 2024

[R4 impleaded as per order dated 14.11.2024 in WMP.Nos. 34974 & 34982/2024 in WP.Nos.17699 & 17702/2024]

Prayer in WP.No.17699/2024: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 27.05.2024 in communication letter No.0001/2024/F1 passed by 1st respondent and quash the same consequently directing the 2nd respondent to grant planning permission to the petitioner property situated in Ward No F Block No 23 Town S. No 1 part situated at Door No.24/165, Pudhur Narayanasamy Mesthiri street, Vaniyambadi Town Thirupathur District which situated in the petitioner agriculture land and grant such other relief.

Prayer in WP.No.17702/2024: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the impugned order dated 27.05.2024 in communication letter No.0002/2024/F1 passed by 1st respondent and quash the same consequently directing the 2nd respondent to grant planning permission to the petitioner property situated in Ward No F Block No 23 Town S. No 1 part situated at Door No 24/165 Pudhur Narayanasamy Mesthiri street, Vaniyambadi Town Thirupathur District which situated in the petitioner agriculture land and grant such other relief as this Court.



W.P.Nos.17699 & 17702 of 2024

WEB COPY

For Petitioner	: Mrs.R.T.Sundari (In 2 WPs)
For R1	: Mr.P.Srinivas Standing Counsel (In 2 WPs)
For R2 & R3	: Mr.T.Chandrasekaran Special Government Pleader (In 2 WPs)
For R4	: Mr.G.Nicul Anand For M/s.G.Vijay Anand Associates (In 2 WPs)

COMMON ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The notices issued by the Commissioner of Vanniyampadi Municipality dated 27.05.2024 are under challenge in the present writ petitions.

2. The writ petitioners are constructing buildings without obtaining building plan permission from the competent Municipal Authority. The buildings under construction are wholly unauthorised. After conducting an inspection, the Commissioner, Vanniyambadi Municipality issued impugned



notices to the writ petitioners, which the petitioners subsequently challenged in the present writ proceedings.

3. Alternate remedy is contemplated under the Act. If at all the petitioners are aggrieved, they have to exhaust the said remedy in the manner contemplated. Factual determinations, verification of documents, if any are to be done only by the competent authorities and the Appellate/Revisional Authorities. High Court cannot conduct roving inquiry in respect of the illegalities in the matter of construction of buildings. Therefore, after adjudication and passing of an order, recording the facts, the High Court will be in a position to exercise its powers of judicial review in an effective manner.

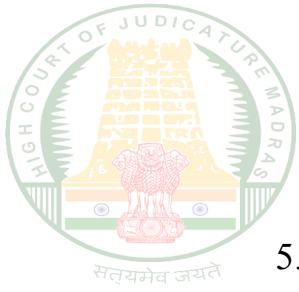
4. The actions initiated by the Municipal Authorities under the Act and issuance of impugned notices, are well within their powers conferred under the Statutes and Rules in force and there is no infirmity. Consequently, the respondents/Municipal Authorities are at liberty to proceed with all further actions in pursuance to the impugned notices issued and if any unauthorised buildings are identified it is to be demolished by following the due process.



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W.P.Nos.17699 & 17702 of 2024



W.P.Nos.17699 & 17702 of 2024

5. With these observations, the Writ Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

[S.M.S., J.] [K.R.S., J.]
12.02.2025

Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes

Jeni

To

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