



WP.No.24138/2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 09.07.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.No.24138/2025 & WMP.No.27145/2025

1.R.Dhandapani

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Petitioner

Versus

**1.The Director of Town and Country Planning
Directorate of Town and Country Planning
Opposite to LIC Chengalvarayan Building
4th Floor, No.807, Anna salai
Chennai 600 002.**

**2.The Deputy Director of Town and Country
Planning Salem Region, No.6,
Sannathi Street, Subramani Nagar
Salem 636 005.**

**3.Assistant Director
District town and Country Planning Office
1st Floor, Kumaran Commercial Complex
Tiruppur 641 601.**



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4.The Commissioner

Dharapuram Municipality

Dharapuram, Tiruppur District 638 656.

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records on the file of the 3rd respondent pertaining to the impugned order dated 05.06.2025 in File No.SWP/BPA/549363/2025/TCP and quash the same and consequently direct the 3rd respondent to accord permission on the petitioner's online application dated 02.06.2025 for putting up two additional toilets, if the application is otherwise in order independently.

For Petitioner	:	Mr.K.V.Sajeev Kumar
For R1 to R3	:	Mr.M.Shajakhan, Spl.GP
For R4	:	Dr.T.Seenivasan, Spl.GP

ORDER

- (1) The petitioner has filed the present writ petition for issuance of a writ of certiorarified mandamus calling for the records of the 3rd respondent dated 05.06.2025 with a prayer to quash the same and consequently, to direct the 3rd respondent to accord permission to the petitioner for construction of two



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additional toilets on the basis of the online application dated 02.06.2025 submitted by the petitioner.

- (2) The petitioner originally established a school by name Thenmalar Higher Secondary School in a rented building. Thereafter, the petitioner shifted the school to the present premises in Old No.372/2A, 373/1A, New S.No.20/19B and 21/1A. Dharapuram Town, Tiruppur District. The petitioner submitted an application for approval of the building plan. The petitioner constructed two floors and in anticipation of approval, the petitioner constructed the 3rd floor. However, the authority declined approval for the 3rd floor. The petitioner's nephew who was inimical against the petitioner, filed WP.No.4818/2025 seeking direction to the official respondents therein to demolish the unauthorised construction constructed by the petitioner. In the said writ petition, this Court passed an order, directing respondents 5 to 7 therein to conclude the enforcement

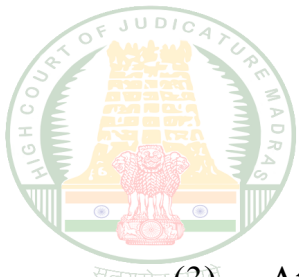


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action and bring the building in conformity with the approved plan.

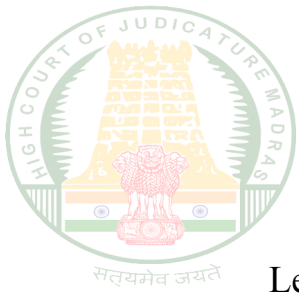
Against the said order of this Court, a Special Leave Petition in SLP.No.11220/2025 was preferred and the same was dismissed by the Hon'ble Supreme Court. The petitioner thereafter demolished 90% of the unauthorised construction except two toilets used by the school children. The petitioner simultaneously initiated steps to rectify the side setback violations. According to the petitioner, before demolition of the existing toilets, the construction of additional toilets was indispensable and therefore, the petitioner submitted an online application seeking permission to construct the two additional toilets. The said application was returned by the 3rd respondent on the ground that pursuant to the order passed by this Court, the demolition process was under progress. Aggrieved by the return of the petitioner's application by the 3rd respondent, the petitioner has filed the above writ petition for the aforesaid relief.



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- (3) At the time of hearing, the learned counsel for the petitioner submitted that the petitioner filed an application in WMP.No.26208/2025 for extension of time for compliance of the order passed in WP.No.4818/2025 and vide order dated 07.07.2025, the Division Bench extended the time till 07.10.2025 for demolition and rectification. Learned counsel therefore submitted that as the time was extended by the Division Bench, the respondents should consider the petitioner's application in the light of the extension of time granted by the Division Bench of this Court.
- (4) Heard the learned counsels on either side and perused the materials placed on record.
- (5) In WP.No.4818/2025 filed by the petitioner's nephew Muruganandham for demolition of unauthorised construction put up by the petitioner herein, an order was passed on 02.04.2025, by directing demolition of the unauthorised portion. The said order was taken up by way of Special



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Leave Petition ; but the same was dismissed by the Hon'ble Supreme Court. Meanwhile, the petitioner submitted an online application for construction of two additional toilets for usage of the school students. The said application was returned by the 3rd respondent on the sole ground that the enforcement action in obedience of the order of the Division Bench of this Court was under progress.

- (6) It is further seen that in pursuance of the petitioner's application for extension of time, the Division Bench of this Court has extended time till 07.07.2025 for bringing the building in accordance with the planning permission.
- (7) In view of the aforesaid facts and considering the fact that the construction of toilets is indispensable for the smooth functioning of the school, the following directions are issued:-



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- (a) The petitioner shall re-submit the application dated 02.06.2025 for construction of two additional toilets within a period of two weeks from the date of receipt of a copy of this order ; and*
- (b) The 3rd respondent shall thereafter consider and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of the application.*

(8) In the result, this writ petition is **disposed of with the above direction.**

Consequently, connected miscellaneous petition is closed.

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Index : yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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