



W.P.No.23612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM :

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

W.P.No.23612 of 2024

Ms.Vasundhra
W/o Late Mr.Vetri Duraisamy .. Petitioner

v.

1. The Assistant Director
Directorate of Town and Country Planning
Having Office at:
New District Collectorate Complex
Vedhanarayanapuram, Venkabkkam Post
Chengalpet 603 111

2. The Panchayat President
Paramankeni Village
Chengalpet District

3. The Assistant Engineer
TANGEDCO
Having Office at:
O&M, Salt Road
Cheyyur 603 302 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Certiorari, to call for records and quash the impugned notice dated 10.04.2024 vide No.01/2024/DTCP/CD3 issued by the Respondent No.1.

For Petitioner :: Mr.B.Arvind Srevatsa
for Mr.S.Manuraj

For Respondents :: Mr.T.Chandrasekaran
Special Government Pleader for R1
No appearance for R2 & R3

ORDER

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

The writ has been instituted questioning the validity of the notice issued by the Assistant Director, District Town and Country Planning Office, Chengalpattu District in proceeding dated 10.04.2024.

2. No writ against notice is entertainable unless such notice has been issued by an incompetent authority having no jurisdiction. However, the grounds raised by the petitioner on merits cannot be adjudicated in the present writ proceedings, which require enquiry with reference to the documents and evidence available on record. The High Court cannot conduct a roving enquiry nor decide the disputed issues of this nature. It is



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found that the petitioner has developed the building unauthorizedly without planning permission for the development of building and the authorities identified the unauthorized constructions and issued notice under Section 56(1) of the Tamil Nadu Town and Country Planning Act. Mere permission from the panchayat would be insufficient to develop a building to the extent as done by the petitioner in the present case. Therefore, it is for the petitioner to submit her explanation along with the documents, if any, to the authorities to appreciate her case. The authorities, on receipt of the explanation, shall conduct enquiry by verifying the documents and evidence, if any, produced by the petitioner and thereafter pass final orders, and initiate all appropriate actions to ensure that the unauthorized construction/building, if any found, is removed by following the due process, as expeditiously as possible. With this observation, the writ petition stands dismissed. Consequently, W.M.P.No.25831 of 2024 is also dismissed. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)
14.02.2025

SS



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To

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