



WEB COPY



W.P.No.29331 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

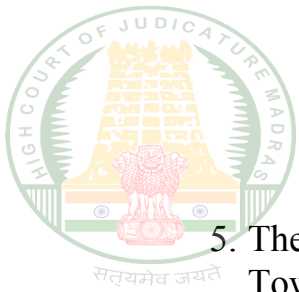
W.P.No.29331 of 2025
and
W.M.P.Nos.35876, 35879 & 35880 of 2025

S.Krishna Kumar

... Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by Principal Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Director,
Municipal Administration.
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-600 028.
3. The District Collector,
Collectorate Building,
Coimbatore-641 018.
4. The Expert Committee,
Constituted under Town and Country Planning Act,
Coimbatore, Coimbatore District-642 001.



W.P.No.29331 of 2025

WEB COPY

5. The Deputy Director,
Town and Country Planning,
2nd Floor, Dr.Nanjappa Road, Gopalapuram,
Coimbatore-641 018.

6. The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District-642 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 11.06.2025 issued by the 6th Respondent made in Na.Ka.No.212/2021/F1(2874/2021/F-1) and to quash the same and consequently direct the 6th respondent to regularise the petitioner's building situated at Door No.31/11, Assessment No.Old 076/004/1350, New 076/004/901578, Rural Ward No.4, Venkatesa Colony, admeasuring an extent of 977 ½ sq.ft. comprised in T.S.No.7/2A, presently T.S.No.7/2C2F, Town Survey Ward No.5, Pollachi Town Kaspas, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.C.Prabakaran
For R1 to R5 : Mr.M.Venkateswaran
Spl. Govt. Pleader
For R6 : Mr.B.Anand

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, challenging the impugned notice dated 11.06.2025 issued by the 6th Respondent made in



W.P.No.29331 of 2025

Na.Ka.No.212/2021/F1(2874/2021/F-1). The petitioner also sought a direction to the 6th respondent to regularize the petitioner's building situated at Door No.31/11, Assessment No.Old 076/004/1350, New 076/004/901578, Rural Ward No.4, Venkatesa Colony, admeasuring an extent of 977 ½ sq.ft. comprised in T.S.No.7/2A, presently T.S.No.7/2C2F, Town Survey Ward No.5, Pollachi Town Kaspas, Pollachi Taluk, Coimbatore District.

2. It is the case of the Petitioner that he had purchased the property in question along with his wife and they are the absolute owners of the property. Since the building was in a dilapidated condition, the petitioner renovated the same with new roof. Consequent to the filing of a Writ Petition filed by a local resident, seeking to take action against the unauthorized buildings in Pollachi, a notice dated 10.01.2024 was issued to him to remove the deviated construction. He had also given reply to the said notice and also filed an application for regularization as an abundant caution, the said application was rejected without any valid reason. It is further case of the petitioner that a Writ Petition in W.P.No.23855 of 2024



W.P.No.29331 of 2025

WEB COPY

was filed by a Sangam for constitution of an Expert Committee to frame guidelines and submit a report in respect of regularization of old buildings in Pollachi, wherein this Court was pleased to pass the following order on 27.08.2024:

“2. It is the case of the Petitioner/Sangam that a representation dated 26.07.2024 was submitted to the 1st respondent to consider the resolution dated 07.09.2021 passed by the Municipality in respect of regularization of old buildings. Since the said representation did not evoke any response, the Petitioner/Sangam is before this Court.

3. Learned Government Advocate appearing for the respondents 1 & 2 stated that a reasonable time may be granted to the 1st respondent for considering and passing appropriate orders on the representation of the petitioner.

4. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the 1st respondent to consider the representation dated 26.07.2024 of the Petitioner/Sangam and pass appropriate orders thereon on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order in terms of the Resolution passed by the Municipality.”

3. It is stated by the petitioner that no such Expert Committee was formed as per the order dated 27.08.2024 and, in yet another batch of cases in W.P.No.19896 of 2024, batch, this Court passed an interim order dated 28.01.2025, which is extracted hereunder:



WEB COPY



W.P.No.29331 of 2025

“1. These batch of writ petitions have been filed in relation to the unauthorized constructions put up for commercial purpose without leaving required set back. Since there are several buildings, which have been constructed without providing parking area, which is required as per the Building Regulations, this Court directed the Respondents to give a report to find out the possibility of any regularization scheme.

2. It is now represented by the learned Additional Government Pleader that the first Respondent has constituted a committee to conduct a detailed study of all the buildings in Mahalingapuram area and New Scheme Road in Pollachi Municipal limits and analyze their current status with reference to the Tamil Nadu Combined Development and Building Rules, 2019 and the land use plan including the parking issues in the area concerned. The Committee to give its recommendations for potential modifications in land use and development regulations that are to be considered in the Master Plan under preparation including parking management for the entire area. Since, the committee has been given six months time to give report and recommendations, the learned Additional Government Pleader sought for time.”

4. It is the grievance of the petitioner that in the interregnum, the impugned notice dated 11.06.2025 under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971 was issued on the petitioner to seal the premises. He also filed an appeal under Section 80-A against the said notice. Since no guidelines have been framed to regularize and protect old buildings, the petitioner is before this Court for quashing the impugned notice and for a suitable direction.



W.P.No.29331 of 2025

WEB COPY

5. Learned counsel for the petitioner assailed the impugned notice on the ground that his building, being old does not fall within the ambit of regularization. When the appeal against the notice along with a stay petition is pending, the act of the 6th respondent in initiation of proceedings is highly prejudicial to the interest of the petitioner. He submitted that unless a direction is issued to the respondents in this regard by quashing the impugned notice, it would cause much hardship and irreparable loss to the petitioner.

6. On the contrary, the learned Standing Counsel appearing for the 6th respondent contended that after filing an appeal under Section 80-A of the Town and Country Planning Act, 1971 against the impugned notice of the 6th respondent, the petitioner has filed this petition, without even waiting for the outcome of the appeal and therefore, this petition is liable to be dismissed as premature.

7. We find much force in the contention of the learned Standing Counsel for R6. Admittedly, as per own admission of the



W.P.No.29331 of 2025

petitioner in the affidavit, he has filed an appeal under Section 80-A of the Act before the Government and the same is still pending with the Government. Therefore, the present Writ Petition has been filed at the premature level, as no blanket direction can be issued to the respondents on the basis of mere assumption and presumption. If at all the petitioner is aggrieved, he can approach the appellate authority for grant of an interim order till a decision is taken on the appeal filed under Section 80-A of the Act.

8. With the above observations, this Writ Petition is dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

(J.N.B.J.,) (M.J.R,J.,)
08.08.2025

Index: Yes / No

Internet: Yes / No

ar

To:

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.



WEB COPY



W.P.No.29331 of 2025

J.NISHA BANU, J.

AND

M.JOTHIRAMAN, J.

ar

2. The Director,
Municipal Administration.
No.75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-600 028.
3. The District Collector,
Collectorate Building,
Coimbatore-641 018.
4. The Expert Committee,
Constituted under Town and Country Planning Act,
Coimbatore, Coimbatore District-642 001.
5. The Deputy Director,
Town and Country Planning,
2nd Floor, Dr.Nanjappa Road, Gopalapuram,
Coimbatore-641 018.
6. The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District-642 001.

W.P.No.29331 of 2025

08.08.2025