



W.P.Nos.28757 and 17054 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.06.2025

C O R A M

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

W.P.Nos.28757 and 17054 of 2024
and W.M.P.No.31366 of 2024

W.P.No.28757 of 2024

B.Bagirathan

... Petitioner

-VS-

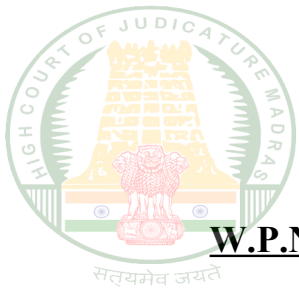
1. The Commissioner,
Cuddalore City Municipal Corporation,
Bharathi Road, Sorakalpattu,
Cuddalore- 607 001.

2. Dr.S.P.K.Kennedy Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 14.06.2024 and not to disturb the petitioner's business by issuing the planning permission to the petitioner's building constructed at T.S.1157, Ward No.6, Block No.34 at Beach Road, Vanniyarpalayam Cuddalore.

For Petitioner : Mr.P.Suresh Babu
For R1 : Mr.T.Seenivasan
For R2 : Mr.A.R.Sakthivel



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W.P.No.17054 of 2024

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Dr.S.P.K.Kennedy Babu

... Petitioner

-VS-

1. The Secretary,
Ministry of Municipal Administration
and Rural Development,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Director
The Directorate Of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai-600 028.
3. The Assistant Director
District Town And Country Planning,
No.34, Tamizh Muthu Nagar,
Kondur, Cuddalore-607 006.
4. The Commissioner
Cuddalore City Municipal Corporation,
Bharathi Road, Sorakalpattu,
Cuddalore-607 001.
5. B.Bagirathan
6. Manjrekha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to demolish the unauthorized construction put up on the piece of land measuring an extent of 880 sq.ft. situated adjacent to the shop site in K.T.R.Nagar lay-out, on its western side in T.S.No.1157, Vanniyarpalayam, Beach Road, Cuddalore District and restore the land to its original position.



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For Petitioner : Mr.A.R.Sakthivel
For R1 to R3 : Mr.M.R.Gokula Krishnan
Addl. Govt. Pleader
For R4 : Mr.T.Seenivasan
For R5 & R6 : Mr.P.Suresh Babu

COMMON ORDER

(By J.Nisha Banu,J.)

The Writ Petition in W.P.No.28757 of 2024 has been filed for a direction to the 1st respondent to consider the representation dated 14.06.2024 of the petitioner and not to disturb the petitioner's business by issuing the planning permission to the petitioner's building constructed at T.S.1157, Ward No.6, Block No.34 at Beach Road, Vanniyarpalayam Cuddalore.

2. In W.P.No.17054 of 2024, the petitioner seeks for a direction to demolish the unauthorized construction put up on the piece of land measuring an extent of 880 sq.ft. situated adjacent to the shop site in K.T.R.Nagar lay-out, on its western side in T.S.No.1157, Vanniyarpalayam, Beach Road, Cuddalore District and restore the land to its original position.



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3. Since the issue revolves around the same subject property,

both petitions are taken up together for combined disposal.

4. It is the case of petitioner in W.P.No.28757 of 2024 that he along with his wife purchased a property in T.S.No.1157 on 01.02.2024 and started constructing shops therein, which was objected to by the 2nd respondent herein, as the 2nd respondent filed W.P.No.13098 of 2014 for consideration of his representation and obtained an order. On 07.05.2024, the 1st respondent issued a stop work notice and directed the petitioner to apply for the planning permission as per Section 135(2) of the Tamil Nadu Urban Local Bodies Act, 1998 and though he has applied for the permission on payment of necessary fee, no planning permission has been granted till now. In the meanwhile, the 2nd respondent has filed another W.P.No.17054 of 2024 (tagged along with this petition) for demolition of the construction. Though the petitioner has submitted a representation dated 14.06.2024 for consideration of issuance of planning permission, there is no response on the representation. Hence, the petitioner is before this Court.



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5. Whereas it is the case of the petitioner in W.P.No.17054 of 2024, who is the 2nd respondent in W.P.No.28757 of 2024 that the respondents 5 and 6 have started raising construction of a shopping complex without proper approval / planning permission and the said construction obstructed the egress and ingress of the petitioner. Though the respondents 5 & 6 assured to stop construction, they proceeded to complete the construction hurriedly. Since the construction has reached the stage of completion, the petitioner prayed for demolition of the building and restoration of the land to its original position.

6. Heard the learned counsel for the respective parties.

7. Learned Standing Counsel for the 1st respondent in W.P.No.28757 of 2024 and 4th respondent in W.P.No.17054 of 2024 / Cuddalore City Municipal Corporation stated that The Commissioner, Cuddalore City Municipal Corporation is the competent authority to look into the issue and take a decision in the matter.



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8. The petitioner in W.P.No.28757 of 2024 has already submitted a representation dated 14.06.2024 to the The Commissioner, Cuddalore City Municipal Corporation for issuance of planning permission. Therefore, we are of the view that if the said representation of the petitioner in W.P.No.28757 of 2024 is considered and suitable order is passed thereon by the The Commissioner, Cuddalore City Municipal Corporation, the grievance of both petitioners would be redressed.

9. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the 1st respondent in W.P.No.28757 of 2024, who is the 4th respondent in W.P.No.17054 of 2024 / The Commissioner, Cuddalore City Municipal Corporation to consider the representation dated 14.06.2024 of the petitioner in W.P.No.28757 of 2024, by giving an opportunity of personal hearing to both petitioners and thereafter, pass necessary orders thereon in accordance with law. Such an exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.



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10. With the above direction, these Writ Petitions are disposed

of. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
25.06.2025

Index: Yes / No

Internet: Yes / No

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To:

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Ministry of Municipal Administration
and Rural Development,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Director
The Directorate Of Municipal Administration,
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