



W.P(MD)No.973 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

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Shenbagaraj

Vs.

... Petitioner

- 1.State of Tamil Nadu,
Rep., by The Principal Secretary,
School Education Department,
State of Tamil Nadu,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The District Collector,
Office of the District Collector,
Thoothukudi District.
- 3.The Commissioner,
Office of the Commissioner,
Kovilpatti Municipality,
Thoothukudi District.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.



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6.The Tahsildar/Monitoring Committee,
Office of the Tahsildar,
Kovilpatti Taluk, Thoothukudi District.

7.S.K.Thangamariyappan

8.Veeramani

9.Sudalaimani

10.Mariyappan

11.Muthuveeran

12.Arjunan

13.Mesthiri Arumugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.2 to 6 to remove the encroachment made by the Respondents No.7 to 13 in Survey No. 175, Block - 11, Ward 25, Kovilpatti Taluk, Thoothukudi District on the basis of the notice issued by the Respondent No.3 in Na.Ka.No.2486/2024/F, dated 18.07.2024 and communication of the Respondent No.4 in Na.Ka.A1/952/2024 dated 26.12.2024 in accordance with law within the time to be stipulated by this Court.

For Petitioner : Mr.A.V.Saha

For RR1, 2 & 4 to 6: Mr.M.Sarangan
Additional Government Pleader

For R3 : Mr.J.Parekh Kumar

For R7 to R13 : Mr.R.J.Karthick



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For R5

: Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.ARUL MURUGAN, J.]

The writ petition is filed seeking for a direction to the respondents 2 to 6 to remove the encroachment made by the respondents 7 to 13 in the subject property.

2.The sixth respondent, Tahsildar had submitted a status report dated 12.06.2025. In the status report, it is stated that joint inspection was conducted by the authorities and the inspection confirmed that there is an illegal and unauthorized construction put up by the private respondents and the same is liable to be evicted. As per Rule 6(4) of the Tamil Nadu Municipalities Building Rules, 1996 synonymous with Rule 4 (3) of the Tamil Nadu Panchayat Building Rules, 1997, no site shall be used for the construction of a building for public worship or religious purpose without the prior approval of the Collector of District, who may refuse such approval, if in his opinion, use of site as religious building is



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likely to endanger public peace.

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3.In the present case, the status report filed indicates that the private respondent has not obtained any prior approval before putting up the construction. Therefore, the construction put up by the private respondents are wholly unauthorized and it is also put up in the Government poramboke land.

4.When it has already been identified that the construction is put up in the promboke land without obtaining building plan approval, then it is for the authority to take appropriate action in respect of the unauthorized construction in accordance witht the provisions of the Act and ensure that the unauthorized constrution are removed and the land is restored to its original position.

5.It is made clear that the official respondents shall carry out the exercise in accordance with the relevant provisions of the Act and Rules and complete the enforcement action within the period of twelve weeks from the date of receipt of a copy of this order.



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6.The learned counsel for the contesting respondents would submit that there is a contradiction in the survey numbers. If at all he claims any right, it is for him to approach the competent civil court.

7.With the above observations, this Writ Petition is disposed of.

No costs.

[S.M.S., J.] [G.A.M., J.]
25.08.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
cp

To

- 1.The Principal Secretary,
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Fort St. George, Secretariat,
Chennai-600 009.
- 2.The District Collector,
Office of the District Collector,
Thoothukudi District.
- 3.The Commissioner,
Office of the Commissioner,
Kovilpatti Municipality,
Thoothukudi District.



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4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kovilpatti Sub Division,
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6.The Tahsildar/Monitoring Committee,
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S.M.SUBRAMANIAM, J.
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