



WP(MD). No.2554 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07.04.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.2554 of 2021
and W.M.P.(MD)No.2109 of 2021

M.Thavasi

... Petitioner

Vs

- 1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.
- 2.The Member Secretary,
Madurai Local Planning Authority,
III Floor, Madurai Corporation Building,
Madurai – 625 002.
- 3.The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai.
- 4.The President,
Thottappanaickanur Village Panchayat,
Thottappanaickanur.
- 5.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore – 641 003.
- 6.The Chairman,



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Krishna College of Agriculture & Technology,
Administered by,
Rukmaniammal Educational & Charitable Trust,
Sriengapuram,
Usilampatti, Madurai – 625 532.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first to fourth respondents to take appropriate actions to demolish all the structures constructed without planning permission and in violations and deviations of permissions already issued by the fourth respondent, in accordance with the provisions of Tamil Nadu Town and Country Planning Act, 1971 and consequently direct fifth respondent to suspend the affiliation granted to the sixth respondent and makes alternate arrangement for the students who studying in the sixth respondent college until the sixth respondent establishing all the required infrastructures for running the agricultural college.

For Petitioner : Mr.T.Balakumaran

For Respondents 1 to 4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

For Respondent No.5 : Mr.A.Thirumoorthy

For Respondent No.6 : Mr.P.R.Prithiviraj

ORDER

(Order of the Court was made by
the Hon'ble the Chief Justice)

The petitioner is a public-spirited person who has filed this petition to direct respondents 1 to 4 to demolish all the structures constructed by the sixth respondent, without planning permission and in violation/ deviation of permission already issued by the fourth respondent. The petitioner has also sought a direction to fifth



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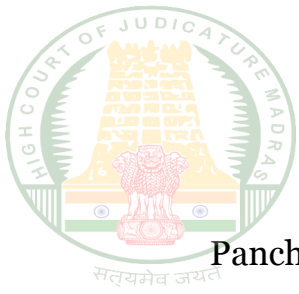
respondent to suspend the affiliation granted to sixth respondent and make alternate arrangement for students studying in the sixth respondent college, until sixth respondent establishes all required infrastructure for running the agricultural college.

2. Counsel for Respondent No.6 states no counter has been filed, though the petition was served way back in 2021. After that the matter has also appeared on numerous occasions. Therefore, it is clear that sixth respondent has nothing to counter in the petition.

3. A counter has been filed by Respondent No.2, the Member Secretary, Madurai Local Planning Authority, through one A.Vijayan, affirmed on 31st march, 2023, in which paragraph No.4 reads as under:

“4. I humbly submit that immediately on receipt of the Knowledge regarding the violations made by the 6th respondent and the alleged illegal approval given by the 4th respondent through this writ petition, this Respondent office had issued a letter dated 23.05.2021 to the 4th Respondent to submit the details of approval given to the 6th Respondent and the basis for the such approval. Till date there is no reply from the 4th Respondent. Only after getting reply from the 4th respondent, this Department of Town and Country Planning can act on this issue.”

4. In our view, this is nothing but a dishonest approach inasmuch as Respondent No.2 ought to be aware that fourth respondent i.e., the



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Panchayat, cannot grant any planning permission or approvals.

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5. Counsel for Respondent No.6 states he has applied for regularisation of various portions in the buildings, which itself indicates that the buildings have been constructed without permission or approval or are in deviation of the approved plan, if any.

6. If any building or part of the building has been constructed without approval, Respondent No.3 shall demolish those portions in a phased manner, so that the students are not largely affected and left in the lurch. That will not preclude Respondent No.6 from later applying for fresh permission to reconstruct the buildings.

7. Having said that, the fate of the students has to be also kept in mind. Respondent No.5 is directed to make alternate arrangements for the students studying in Respondent No.6 college, until Respondent No. 6 establishes all required infrastructure for running the agricultural college.

8. Petition is disposed of accordingly. There shall be no order as



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to costs. Consequently, the connected interim application stands closed.

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[K.R.SHRIRAM, C.J.]

[P.B.BALAJI, J.]

07.04.2025

NCC : Yes/No
Index : Yes/No
MR

To

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ORDER IN
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