



W.P(MD)No.3106 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND**

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.3106 of 2025

and

W.M.P.(MD) Nos.2169 and 2170 of 2025

Sivakama Sundari Ammal

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep., by the Secretary of Government,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Commissioner,
Trichirappalli City Municipal Corporation,
Trichirappalli District.

3.The Assistant Commissioner,
Zone-5,
Trichirappalli City Municipal Corporation,
Trichirappalli District.

4.The Commissioner,
Manikandam Panchayat Union,
Manikandam,
Trichirappalli District.

... Respondents



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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in F1/2279/2019 dated Nil signed on 03.01.2025 on the file of the 3rd respondent herein and quash the same and consequently, direct the respondents 1 to 3 to approve the building plan pursuant to the proceedings in building permission No. Pa.Mu.A3-2957/1996 dated 18.06.1996 on the file of the 4th respondent herein.

For Petitioner : Mr.Dinesh Hari Sundaresan
for Mr.S.Karkkikannan

For Respondents : Ms.D.Fargana Ghoushia
Spl. Govt. Pleader – for RR1 to 3

: Mr.J.Ashok
Addl. Govt. Pleader LA – for R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice issued under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as “the Act”) is under challenge in the present writ petition.



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2. It is not in dispute that an inspection was conducted by the competent authorities and unauthorised constructions are identified. Lock and seal notice was issued and the petitioner preferred an appeal under Section 80-A of the Act. The Government conducted an elaborate enquiry by affording opportunity to all the parties and rejected the appeal *vide* letter dated 18.02.2021. The Government considered the issues both on facts and the rights of the petitioner. The details regarding the unauthorised constructions and deviations were also considered by the Government. Challenging the said order passed by the Government, the petitioner filed a writ petition in W.P.(MD) No.9160 of 2021 and a Division Bench of this Court passed final orders on 28.03.2024 as under:

“2. We are of the view that when the petitioner has questioned the earlier notice dated 25.02.2018 by way of an appeal under Section 80-A of the Act, which was rejected, once again for the very same cause, she has filed this Writ Petition, challenging the fresh notice dated 15.04.2021, which cannot be entertainable. Therefore, this Writ Petition is dismissed. It is for the respondent Corporation to proceed in accordance with law, if there are any deviations. No costs. Consequently, connected miscellaneous petitions are closed.”



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3. In pursuance of the order of the Division Bench, the authorities have initiated action, since the petitioner has not demolished the deviations and restored the building as per the approval. Thus, this Court do not find any infirmity in the order impugned.

4. Learned counsel for the petitioner states that the measurements taken by the authorities are incorrect. If that be so, the authorities may once again survey the deviations and take a final decision and proceed with all enforcement actions. The said exercise be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
06.06.2025

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

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DR.A.D.MARIA CLETE, J.

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