

W.P.(MD)No.4434 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.4434 of 2025

and

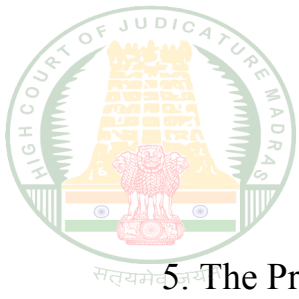
W.M.P.(MD)No.3179 & 3180 of 2025

T.Prakash

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Officer of Town and Country Planning,
Pallapatti,
Dindigul District.
3. The Assistant Director (Panchayat),
Dindigul District,
Dindigul
4. The Special Officer / Block Development Officer (Village Panchayats),
Nilakottai Panchayat Union,
Pallapatti Panchayat,
Dindigul District.



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5. The President,
Pallapatti Panchayat,
Dindigul District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating with the impugned notice dated 07.02.2025 in Na.Ka.No. 581/2024/Thi 3 on the file of the 4th respondent and quash the same as illegal and consequently directing the 4th respondent to accept the planning permission granted by the 5th respondent for the petitioner's building in D.No. 4/67, Old Natham S.No.158/1B, New Natham S.No. 726/28 Akkumariamman Kovil Street, Pallapatti Village Panchayat, Nilakottai Taluk, Dindigul District.

For Petitioner : Mr.S.Saravana Kumar

For R1 to R4 : Mr.J.Ashok

Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice dated 07.02.2025 issued by the Block Development Officer / 4th respondent, calling upon the petitioner to submit the documents, including building plan, is under challenge in this Writ Petition.



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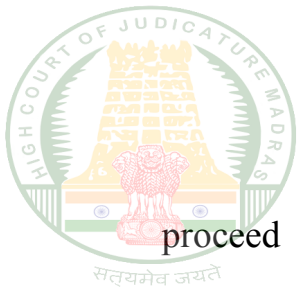
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2.The said notice would not provide a cause for institution of a Writ proceedings. The noticee, on receipt of such notice, is expected to submit building plan approval before the competent authority to establish that the building is constructed in accordance with building plan approval if any granted. Therefore, this Writ Petition is not maintainable.

3.The counter affidavit filed by the 4th respondent reveals that the competent authority rejected the application, seeking building plan approval, submitted by the petitioner on 03.01.2025.

4.The learned Additional Government Pleader appearing for the respondents would submit that the building is unauthorized and therefore, enforcement actions are initiated under the provisions of Tamil Nadu Town and Country Planning Act and other relevant statutes and rules in force.

5.Since the present Writ Petition is not maintainable and the allegation of the unauthorized construction is also raised by the respondents, this Court is not inclined to consider the present Writ Petition. Consequently, the respondents shall



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proceed with the enforcement action only by following the procedures as contemplated under the Act. If at all the petitioner has got any document in his hand, he is at liberty to submit the same before the competent authority for consideration.

6. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)

06.06.2025

NCC : Yes / No
Index : Yes / No
Yuva

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1. The District Collector,
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3. The Assistant Director (Panchayat),
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4. The Special Officer / Block Development Officer (Village Panchayats),
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