



W.P.(MD)No.6290 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD).No.6290 of 2025

and

W.M.P(MD)No.4637 of 2025

Senthil Kumar

... Petitioner

-VS-

1. The District Collector,
Office of the District Collector,
Sivagangai District.
2. The Deputy Director of Town and Country Planning,
Sivagangai Region,
Sivagangai District.
3. The Deputy Director Town Panchayat,
Sivagangai Region,
Sivagangai.



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4. The Executive Officer,
Thiruppuvanam Town Panchayat,
Thiruppuvanam Town Panchayat Office,
Sivagangai District.

5. The Assistant Engineer,
TANGEDCO,
Thiruppuvanam,
Sivagangai District.

6. Buvanendran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 to 5 herein to forthwith demolish the illegal construction of the A.Buvenendran – Chellamuthu Marriage Hall situated at Survey No.46/26 Swami Sannathi Street, Thiruppuvanam, Sivagangai District within the time stipulated by this Hon'ble Court based on the two Notices issued by the 4th respondent dated 04.08.2022 and 18.08.2022.

For Petitioner	: Mr.V.Malaiyendran
For R1 to R3	: Mr.J.Ashok Additional Government Pleader
For R4	: Mr.S.S.Madhavan Additional Government Pleader
For R5	: Mr.S.Deenadayalan Standing Counsel for TANGEDCO
For R6	: Mr.R.Murali



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ORDER

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

The present writ petition has been instituted directing the respondents 1 to 5 herein to forthwith demolish the illegal construction of the A.Buvanendran – Chellamuthu Marriage Hall situated at Survey No.46/26 Swami Sannathi Street, Thiruppuvanam, Sivagangai District within the time stipulated by this Hon'ble Court based on the two Notices issued by the 4th respondent dated 04.08.2022 and 18.08.2022.

2. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the authorities conducted an inspection and found that the subject building is “Wholly unauthorized”. The building approval granted was cancelled in the year 2016. Thereafter, the building was illegally completed as Marriage Hall.

3. This Court is of the considered opinion that though approval was cancelled in the year 2016, for the past about 9 years, the authorities have not initiated action.



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4. On the other hand, the learned counsel appearing for the 6th respondent would submit that the 6th respondent earlier filed W.P(MD)No. 13117 of 2025 challenging the notice issued by the Executive Officer dated 08.04.2025. This Court passed an order directing the respondents to consider the application submitted by the petitioner. However, the issues are not adjudicated on merits. Merely a direction to consider the representation in the opinion of this Court would do no service to the cause of the justice. This is exactly the reason why the litigant come back again to the Court by filing another writ petition.

5. The learned counsel appearing for the 6th respondent would further submit that some other nearby buildings are also unauthorizedly constructed but actions are taken only against the 6th respondent. List of unauthorizedly constructed Marriage Halls are also provided by the 6th respondent. The official respondents are directed to look into the allegations, conduct field inspection and initiate all appropriate actions in accordance with law.



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6. Act does not permit to submit a revised application in respect of the unauthorized constructions. The building plan permission is to be obtained before commencing the construction and not after constructing the building in an illegal manner. Therefore, the authorities as per the directions of this Court in W.P(MD)No.13117 of 2025 dated 29.04.2025, shall pass appropriate orders. As far as the unauthorized construction is concerned, the learned Additional Government Pleader on instructions made a submission that inspection was conducted and the building was identified as “wholly unauthorized” and therefore, enforcement actions will be continued.

7. In view of the facts and circumstances, the official respondents are directed to continue the enforcement actions by following the procedures as contemplated under the statute rules in force and conclude the same by demolishing the unauthorized constructions within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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WEB COPY 8. With the above observations, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.)

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

10.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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and
A.D.MARIA CLETE, J.

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