

WP(MD). No.7689 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). Nos.7689 to 7691 of 2025
and WMP(MD) Nos.5834, 5837, 5850, 5848, 5856 and 5857 of 2025

WP(MD) No.7689/2025

G.Jeyachandran

... Petitioner

v.

1. The Principal Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 600009..

2. The Deputy Director,
Town and Country Planning,
Pudukkottai District..

3. The Commissioner,
Aranthangi Municipality, Aranthangi,
Pudukkottai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned De-Occupation Notice



WP(MD). No.7689 of 2025

issued by the 3rd respondent vide his impugned proceedings in Na.Ka.No. 3016/2024/F1 dated 12.03.2025 and quash the same as illegal and consequently direct the 3rd respondent not to take any coercive action against the petitioners building situated at T.S.Nos.66 and 67/2 Block No.31 Ward - A Old Hospital Road, Aranthangi Pudukkottai District pending disposal of his appeal dated 16.12.2024 pertaining to the regularisation of his building filed under section 79 of the Town and Country planning Act 1972 on the file of the 1st respondent.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.M.Sarangan for R1 & R2
Additional Government Pleader
Mr.S.Kameswaran for R3
Standing counsel

WP(MD) No.7690/2025

R.Dharmaraj

... Petitioner

v.

1. The Principal Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 600009..

2. The Deputy Director,
Town and Country Planning,
Pudukkottai District.



WP(MD). No.7689 of 2025

3. The Commissioner,
Aranthangi Municipality,
Aranthangi, Pudukkottai District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned De-Occupation Notice issued by the 3rd respondent vide his impugned proceedings in Na.Ka.No. 3016/2024/F1 dated 12.03.2025 and quash the same as illegal and consequently direct the 3rd respondent not to take any coercive action against the petitioners building situated at T.S.Nos.67/3 Block No.31 Ward - A Old Hospital Road, Aranthangi Pudukkottai District pending disposal of his appeal dated 16.12.2024 pertaining to the regularization of his building filed under section 79 of the Town and Country planning Act 1972 on the file of the 1st respondent.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.M.Sarangan for R1 & R2
Additional Government Pleader
Mr.S.Kameswaran for R3
Standing counsel

WP(MD) No.7691/2025

R.Balachandran

... Petitioner

v.

3/10



WP(MD). No.7689 of 2025

1. The Principal Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 600009..

2. The Deputy Director,
Town and Country Planning,
Pudukkottai District..

3. The Commissioner,
Aranthangi Municipality,
Aranthangi,
Pudukkottai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned De-Occupation Notice issued by the 3rd respondent vide his impugned proceedings in Na.Ka.No. 3016/2024/F1 dated 12.03.2025 and quash the same as illegal and consequently direct the 3rd respondent not to take any coercive action against the petitioners building situated at T.S.Nos.67/1 Block No.31 Ward - A Old Hospital Road, Aranthangi Pudukkottai District pending disposal of his appeal dated 20.12.2024 pertaining to the regularisation of his building filed under section 79 of the Town and Country planning Act 1972 on the file of the 1st respondent.



WEB COPY



WP(MD). No.7689 of 2025

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.M.Sarangan for R1 & R2
Additional Government Pleader
Mr.S.Kameswaran for R3
Standing counsel

COMMON ORDER

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

These writ petitions have been filed challenging the de-occupation notice of the third respondent dated 12.03.2025 and for a consequential direction to the 3rd respondent not to take any coercive action against the petitioners' building pending disposal of their appeal dated 16.12.2024 and 20.12.2024 respectively pertaining to the regularization of their building filed under Section 79 of the Town and Country planning Act 1972 on the file of the 1st respondent.

2. By consent of both sides, these writ petitions themselves are taken up for final disposal at the stage of admission itself.

3. The petitioners purchased a plot and on obtaining necessary permission, they have built their respective residential houses and also



WP(MD). No.7689 of 2025

residing there. While so, alleging that the petitioners have not obtained permission and had encroached the adjacent land, a writ petition has been filed by a third party, namely, P.R.Premkumar in WP(MD) No. 22487/2024, wherein, this Court had directed the 3rd respondent to take action within a period of 12 weeks. Pursuant to the said order, the petitioners were called for an enquiry and on inspection, since it is alleged that building was constructed contrary to the approved building plan, they were asked to file a revised plan under Section 135(2) of the Tamil Nadu Urban Local Bodies Act. Therefore, the petitioners submitted revised plans. However, the same were refused stating that set backs had not been provided with as per the plan and therefore, the petitioners preferred an appeal and the appeals are pending. Since the revised plan and the appeals have not been considered, the petitioners are before this Court.

4. The learned counsel for the petitioners would submit that WP(MD) No.7689/2025 is concerned, buildings were constructed in the year 2006, however, the demolition notice was issued by invoking 2019 Rules. As per the earlier Rules, the set back will be minimum. On the



WP(MD). No.7689 of 2025

sole ground, the learned counsel prays for interference.

WEB COPY

5. We have heard the learned counsel for the petitioners, the learned Government Pleader and the learned counsel for the respondents.

6. Considering the facts and circumstances of the case and the fact that as far as WP(MD) No.7689/2025 is concerned, since the building was constructed in the year 2006 and the notice was issued invoking 2019 Rules, this Court is inclined to set aside the impugned order and the matters are remitted back to the authorities for fresh consideration. On such remand, the third respondent shall consider the case of the petitioner afresh and pursue the same by issuing notice invoking 2005 Rules. The petitioners shall submit an explanation to the said notice and on receipt of the said explanations to be filed, the 3rd respondent shall pass orders. It is made clear that while considering the case of the petitioner, 2005 Rules have to be invoked.

7. In respect of WP(MD) Nos.7690 and 7691/2025, the constructions were made during 2023 and 2020 respectively and the



WP(MD). No.7689 of 2025

petitioners have preferred statutory appeals, which are pending before the first respondent. The petitioners have also filed stay petitions therein. Therefore, this Court is inclined to grant limited stay for a period of twelve weeks. The first respondent is directed to dispose of the said appeals within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

[J.N.B.,J]

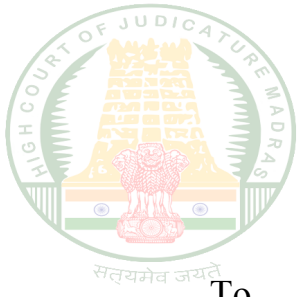
[S.S.Y.,J]

21.03.2025

NCC : Yes/No

Index : Yes/No

RR



WP(MD). No.7689 of 2025

To

1. The Principal Secretary to the Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 600009..

2. The Deputy Director,
Town and Country Planning,
Pudukkottai District..

3. The Commissioner,
Aranthangi Municipality, Aranthangi,
Pudukkottai District..



WEB COPY



WP(MD). No.7689 of 2025

J.NISHA BANU, J
AND
S.SRIMATHY, J.

RR

ORDER
IN
WP(MD) Nos.7689 to 7691 of 2025

Date : 21/03/2025