



W.P.(MD)No.8498 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

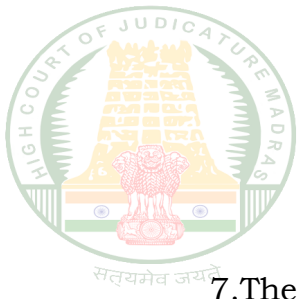
W.P.(MD) No.8498 of 2025

Siyamala

... Petitioner

vs.

- 1.The District Collector,
District Collectorate,
Trichy District 620 001.
- 2.The Superintendent of Police,
Office of the Superintendent,
Trichy District 620 020.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional,
Musiri 621 211.
- 4.The Thasildar,
Taluk Office,
Thottiyam,
Trichy District 621 215.
- 5.The Executive Officer,
Office of the Town Panchayat,
Thottiyam,
Trichy District 621 215.
- 6.The Assistant Divisional Engineer (Building),
Office of the PWD,
Musiri 621 211.



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7.The Inspector of Police,
Thottiyam Police Station,
Trichy District 621 215.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No. 1 to take action on the Representation given by the Petitioner dated 07.03.2025 relating to the constructions by the Respondents 5 to 7 violating the permit rules of the local body, in Sy.No.406/43, Pavalakkadai Veethi, Thottiyam Taluk, Trichy District, in Patta No.616 belonging to the petitioner.

For Petitioner :Mr.V.Illanchezian

For R1 to R4 & R6:Mr.A.Kannan
Additional Government Pleader

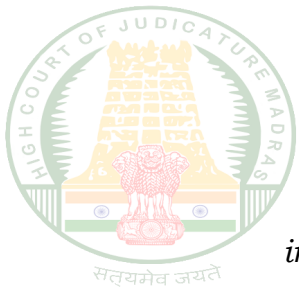
For R5 : Mr.M.Senthil Ayyanar
Government Advocate

For R7 : Mr.M.karunanithi
Government Advocate

ORDER

The petitioner seeks for the following relief:-

“Writ of Mandamus, directing the Respondent No.1 to take action on the Representation given by the Petitioner dated 07.03.2025 relating to the constructions by the Respondents 5 to 7 violating the permit rules of the local body, in Sy.No. 406/43, Pavalakkadai Veethi, Thottiyam Taluk, Trichy District,



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in Patta No.616 belonging to the petitioner.”

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2.The case of the petitioner is that the 7th respondent police station is situated in Natham S.No.406/44 of Pavalakkadai Veethi, Thottiyam Taluk, Trichy District. The petitioner is a neighbour. The 7th respondent has constructed a room, measuring an extent of 200 sq.ft., Though the petitioner alleges that it is an encroachment on the petitioner's land, this aspect is stoutly denied by the respondents.

3.According to the petitioner, the entire construction is contrary to the Tamil Nadu Combined Development and Building Rules, 2019. Hence, several opportunities were given to the 7th respondent to produce the approved plan.

4.Today, a counter affidavit has been filed by the 7th respondent pleading that the set back area of 1.5 feet left between the building of the petitioner and the 7th respondent is in accordance with Rule 28 of Tamil Nadu Combined Development and Building Rules, 2019.

5.I heard Mr.V.Illanchezian for the petitioner, Mr.A.Kannan for the respondents 1 to 4 and 6, Mr.M.Senthil Ayyanar for the fifth



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respondent and Mr.M.Karunanithi for the 7th respondent.

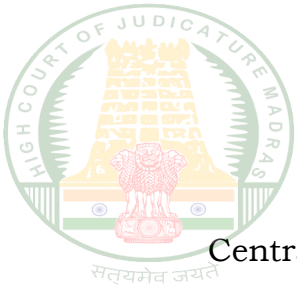
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6.The Government of Tamil Nadu has framed Tamil Nadu Combined Development and Building Rules, 2019, in exercise of the powers conferred under various Municipal laws. In terms of Rule 2(31), development of a land has been given the same definition as under Tamil Nadu Town and Country Planning Act, 1971.

7.Under the Tamil Nadu Town and Country Planning Act, 1971, the word 'development' is defined under Section 2(13). This reads as follows:-

“2.(13) ‘development’ means the carrying out of all or any of the works contemplated in a regional plan, master plan, detailed development plan or a new town development plan prepared under this Act, and shall include the carrying out of building, engineering, mining or other operations in, or over or under land, or the making of any material change in the use of any building or land: ”

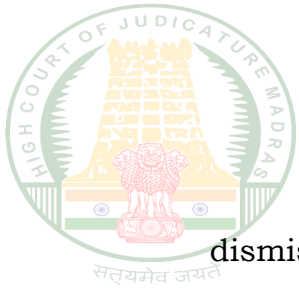
8.Under Rule 6(4) of the Tamil Nadu Combined Development and Building Rules, 2019, where any Department of the State or the



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Central Government other than those exempted under Rule 6(2), are duty bound to inform the competent authority in writing and obtain clearance before indulging in acts of development. The petitioner is very clear and categorical that the construction of the room, which is the subject matter of the writ petition, is without any approval. The counter affidavit also does not plead that the development has been pursuant to an approval obtained from the competent authority.

9.The 7th respondent police has been given the task of enforcement of law in Thottiyam Taluk. A law enforcer cannot be a law breaker. It is unfortunate that the 7th respondent has proceeded to construct/develop its land without prior approval from the competent authority. To plead that even if the approval has been given, the construction is in accordance with law is neither here nor there. If such a defense is permitted, then, no person would need to apply to the competent authority for the purpose of development, and can claim that had he approached the competent authority the construction he had put up would still clear the approval standards. When a private party cannot take up such plea, all the more reason, the police cannot put up the construction in flagrant violation of the Town Planning laws and plead that the writ petition must be



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dismissed. When admittedly, the construction is in violation of the Tamil Nadu Combined Development and Building Rules, 2019, it falls on the competent authority to initiate immediate action to prevent any further illegal and unauthorized construction by the Police.

10.In the light of the above discussion, the Writ Petition stands ordered with cost of Rs.10,000/-, which is payable by the 7th respondent to the petitioner within a period of one week from the date of receipt of a copy of this order. The competent authority for Trichirappalli District shall take immediate action and ensure that the new building put up in S.No.406/44 of Thottiyam Taluk, Trichy District is removed. Needless to add, the 7th respondent will not be entitled to complete the unauthorized construction and occupy the premises, till further action is taken by the competent authority.

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

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To

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V. LAKSHMINARAYANAN, J.

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