



W.P.(MD)No.10307 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.10307 of 2019

and

W.M.P.(MD)Nos.7946 to 7948 of 2019

K.Iyyadurai

... Petitioner

-Vs-

**The Commissioner,
Padmanabapuram Municipality,
Kanyakumari District.**

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent pertaining to its proceedings in Na.Ka.No.T.P.I/3356/2015, dated 07.12.2018 and to quash the same and consequently, to direct the respondent to remove the seal affixed by the respondent in building of the petitioner in door No. 12/64E in Survey No.B8/191/1 and B8/191/3.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.P.Athimoolapandian



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ORDER

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

This Writ Petition has been instituted, challenging the notice issued under Tamil Nadu Town and Country Planning Act, 1971 for removal of the unauthorized constructions.

2.Unauthorized constructions are identified in the Sub Court premises at Padmanabapuram. The learned Sub Judge, Padmanabapuram has submitted a report about the unauthorized constructions, causing inconvenience to the Courts at Padmanabapuram and posing danger, since the unauthorized constructions are constructed, touching upon the compound wall of the Court premises. The pillar was erected in the compound wall of the Court premises and the additional floors are constructed, posing danger to the Court premises. Based on the report of the learned Sub Judge, Padmanabapuram, action was initiated and the authorities competent conducted inspection and survey. During inspection and survey, it is found that the set back area is not followed and the unauthorized constructions are identified by the Padmanabapuram Municipal authorities.



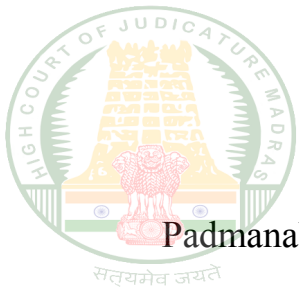
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3.The Assistant Executive Engineer, Public Works Department also conducted inspection, survey and identified unauthorized constructions and therefore, passed order dated 31.10.2016 for removal of the unauthorized constructions and restoration of the building as per the building plan permission granted. However, enforcement actions are pending for the past about 16 years.

4.This Court has also passed several orders for removal of the encroachment and unauthorized constructions adjacent to the Court premises. Despite the orders of this Court, the authorities competent are insensitive in complying with the order. The writ petitioner along with other persons, who made unauthorized constructions, are attempting to prolong and protract the enforcement action.

5.No Writ against the notice is maintainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegation of *mala fide*. In the present case, the authorities competent have conducted inspection, survey and identified the unauthorized constructions, touching upon the compound wall of the premises of Sub Court,



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Padmanabapuram. Despite several orders, enforcement actions are yet to be completed.

6. Several opportunities were provided to the owners / occupants of the unauthorized constructions and almost 16 years completed. Litigants and Lawyers are put to prejudice on account of unauthorized constructions.

7. Now, it is brought to the notice of this Court that the compound wall of the Court premises is damaged. Another Writ Petition filed by the very same petitioner in W.P.(MD)No.24715 of 2018 was disposed of on 11.12.2024. Litigious protection of the unauthorized constructions cannot be allowed by the Courts. Multiple proceedings have been instituted in order to increase the longevity of the enforcement action already initiated. Thus, the petitioner is not entitled for any leniency from the hands of this Court. Since enforcement actions have already commenced and portion of the unauthorized constructions are already demolished as per the statement made on behalf of the Padmanabapuram Municipality, the respondent is directed to complete the enforcement action and demolish the unauthorized constructions in entirety and protect the Sub Court campus at Padmanabapuram by repairing or re-constructing compound wall as the case may be.



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8.The learned counsel appearing for the petitioner would submit that other unauthorized constructions are also there.

9.That being so, the authorities competent are bound to initiate enforcement action by following the procedures and remove all the unauthorized constructions and encroachment nearby the Court buildings. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10.With the above directions, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)
06.08.2025

NCC : Yes / No
Index : Yes / No

Yuva

To
The Commissioner,
Padmanabapuram Municipality,
Kanyakumari District.

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AND

DR.A.D.MARIA CLETE, J.

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