



W.P.(MD).No.11100 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD).No.11100 of 2025
and
W.M.P.(MD).No.8267 of 2025

Syed Moin Ahamed Saqqaf, Hereditary Trustee,
Syed Shamian Saqqaf Sahib Qadri Thaikal,
(Waqf Alal Aulad),
1/657, Asar Tahikal,
Kondirajapalayam,
Thanjavur.

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate Campus,
Thanjavur.
- 2.The Commissioner,
Thanjavur Municipal Corporation ,
Thanjavur.
- 3.The Local Planning Authority,
Represented by its Member Secretary,
Ganapathy Nagar,
Thanjavur - 613 007.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the impugned order issued by the 2nd respondent in ROC No.10831/2020 MCF3, Notice No.04/2024/MCF3 dated 11.04.2025 and quash.

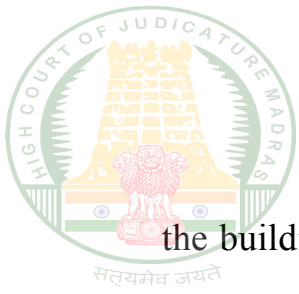
For Petitioner : Mr.Surya Prakash
for Mr.C.Jeganathan
For R-1 & R-3 : Mr.J.Ashok
Additional Government Pleader
For R-2 : Mr.N.Dilip Kumar

ORDER

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

The notice issued under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 in ROC No.10831/2020 MCF3, Notice No.04/2024/MCF3 dated 11.04.2025, is under challenge in the present Writ Petition.

2. No Writ against the notice is maintainable unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. Notice for locking and sealing is a step taken by the authorities after conducting a field inspection and after ascertaining the fact that



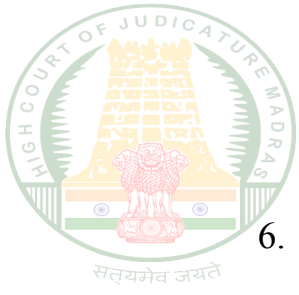
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the building is unauthorised one. If at all the petitioner has any ground, he has to prefer a revision before the Government under Section 80A of the Town and Country Planning Act. Therefore, the Writ Court cannot adjudicate disputed facts of this nature.

3. The learned counsel for the second respondent would submit that the building is wholly unauthorised and the petitioner has not obtained any building plan permission and therefore, enforcement actions must be continued.

4. Unauthorised constructions are posing danger to public at large. Such constructions are not only causing environmental damage, but also a threat to the road users and neighbours. Therefore, there cannot be any misplaced sympathy against the unauthorised constructions made by any person.

5. In the present case, the authorities found that the subject building is wholly unauthorised and thereafter, issued notice for removal of unauthorised construction under Section 56(1) of the Town and Country Planning Act. That being the action initiated, the Writ Petition is not maintainable. However, the petitioner is at liberty to approach the Government under Section 80A of the Act.



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6. Accordingly, the Writ Petition stands dismissed. There shall be no

order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (G.A.M.,J.)
13.06.2025

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

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