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W.A.(MD)NO.1530 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.(MD)No.1530 of 2021 AND

C.M.P.(MD)No.6292 of 2021

S.Shunmugasundaram,
Proprietor-Annamalai Pavers,
Designer Tiles & Hollow Blocks,
Plot No.347, Main Road, "B" Colony,
AIBEA Nagar,
Paravai – 625 402,
Madurai District.

... Appellant /4th Respondent

Vs.

1. N.Nallathambi
2. V.S.Veerabagu
3. N.Senthilkumar
4. A.Antonydoss
5. G.Swaminathan

... Respondents 1 to 5 /
Petitioners 1 to 5

6. The District Collector,
Madurai District,
Madurai – 625 020.

7. The Assistant Director of Town Panchayats,
Madurai Collectorate,
Madurai – 625 020.

8. The Executive Officer,
Town Panchayat,
Paravai – 625 402,
Madurai District.

... Respondents 6 to 8 /
Respondents 1 to 3



9. M.Balan,
Proprietor-BMG Automobiles,
Plot No.346, Main Road, "B" Colony,
AIBEA Nagar, Paravai – 625 402,
Madurai District.

10.Raja Murugan

... Respondents 9 & 10 /
Respondents 5 & 6

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to call for the records relating to the order dated 26.04.2021 in W.P. (MD)No.23138 of 2019 on the file of this Court and set aside the same and allow the writ appeal as prayed for.

For Appellant : Mr.A.John Vincent

For R-6 to R-8 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R-1 to R-5 : Mr.N.Dilip Kumar

For R-10 : Mr.A.Saravanan

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The appellant herein figured as the fourth respondent in W.P. (MD)No.23138 of 2019. The writ petition was filed by the residents of a residential layout. They sought issuance of Writ of Mandamus for



directing the authorities to take action on their representation and abate the functioning of the industrial units. The writ petition was allowed vide order dated 26.04.2021. Challenging the same, this writ appeal has been filed by the fourth respondent.

3. The appellant herein was running a hollow block industry in the petition-mentioned plots. The appellant had purchased as many as six adjacent contiguous plots and put up a building thereon.

4. A mere look at the sale deeds standing in the name of the appellant would show that the appellant purchased only house plots.

5. Even though on the last occasion we called upon the appellant's counsel to produce the planning approval, it has not been produced. It is well settled that a building for which planning approval has been obtained, can be put to use only for the purpose for which the approval was granted. Therefore, if the appellant had obtained planning approval enabling him to put the lands to use for industrial purpose, then the appellant can very well continue his earlier activities. If the planning approval obtained is only for



residential purpose, then obviously, the appellant cannot use it for any other purpose. We mandate the appellant to adhere to the terms of the planning approval.

6. With the aforesaid observation and clarification, this writ appeal is disposed of. We however grant liberty to the appellant to move the authorities concerned and only with the permission of the authorities, the appellant can put the building in question for non-residential use. Before the competent authority grants any such approval, the authority shall put the first writ petitioner on notice and a speaking order shall be passed by taking into account his objections. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)

01st April 2025

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



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To:

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Madurai – 625 020.
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AND

M.JOTHIRAMAN, J.

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