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W.P.(MD) No.13247 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) No.13247 of 2025
and
W.M.P.(MD) No.9477 of 2025**

P.Muniasamy

... Petitioner

-vs-

The Commissioner
Tenkasi Municipality
Tenkasi District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned notice dated 16.04.2025 under Notice No.1 of 2025 under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971, issued by the respondent and quash the same as illegal and arbitrary.

For Petitioner : Mr.D.Nallathambi
for Mr.A.Sankararamasubramanian

For Respondent : Mr.P.Athimoolapandian

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ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice dated 16.04.2025 for removal of the unauthorized development carried out without planning permission, issued by the Tenkasi Municipality, is under challenge in this writ petition.

2. A complaint was given against one Sankaralingam, who has deviated the building planning permission. The said Sankaralingam preferred a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, which was disposed of by the Government with a direction to demolish the deviations and restore the building as per the planning permit. Another complaint against the present writ petitioner Muniasamy was filed stating that his building is wholly unauthorized. Thus, the Municipality conducted an inspection and issued Form-III notice dated 16.04.2025, which came to be challenged in this writ petition.

3. Learned counsel for the petitioner made a submission that the petitioner is not interested in pursuing the grounds raised in this writ petition,



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but, he may be permitted to prefer a statutory revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971.

4. The submission that the petitioner will prefer a statutory revision would be of no bar to the authorities concerned to continue the enforcement action in accordance with law, provided an interim order is granted by the Government in the revision, if any, filed by the petitioner. In the event of preferring any such revision, the Government shall dispose of the same on merits and in accordance with law as expeditiously as possible.

5. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

05.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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