



W.P(MD)No.12600 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12600 of 2025
and W.M.P(MD)No.9155 of 2025**

P.Mohan

... Petitioner

vs.

1.The District Collector,
O/o.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director of Town Panchayats,
Dindigul Zone,
Collectorate,
Dindigul.

3.The Executive Officer,
Palayam Town Panchayat,
Guziliyampatti & Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from in anyway removing the construction put up by the petitioner in Door No.92A,

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MJ.Illam, Chellandiamman Garden, Old No.11, New No.8, Pasumai Nagar, Guziliyamparai Taluk, Dindigul District till the application submitted by the petitioner vide online Building Application No.SWP/ BPA/ 0508668/ 2025 dated 23.04.2025 is pending in accordance with Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998.

For Petitioner : Mr.H.Mohammed Imran
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

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

The present Writ Petition has been filed seeking the issuance of a Writ of Mandamus to forbear the respondents from in any way removing the construction put up by the petitioner at Door No. 92A, MJ Illam, Chellandiamman Garden, Old No.11, New No.8, Pasumai Nagar, Guziliyamparai Taluk, Dindigul District, until the application submitted by the petitioner vide online Building Application No. SWP/BPA/0508668/2025, dated 23.04.2025, is considered in accordance with Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998.



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2.The learned counsel appearing for the petitioner submitted that the property in Survey No.1484/43, measuring an extent of 1052.31 sq. ft., situated in Guziliyamparai Town Panchayat, Guziliyamparai, Dindigul District, is owned by the petitioner. The patta also stands in his name. The property was purchased by him through a registered document. On the said land, he constructed a dwelling house on the ground floor to an extent of 677.84 sq. ft., and on the first floor to an extent of 828.84 sq. ft. The second floor was constructed to an extent of 650 sq. ft. For the ground floor and the first floor, construction was carried out after obtaining due permission from the competent authority. However, one Mr. Giridharan, who resides adjacent to the petitioner's house, due to personal enmity, filed W.P.(MD)No.15854 of 2022 seeking the removal of unauthorized construction. This Court, by order dated 25.03.2024, directed the concerned authority to take appropriate action for removal of the unauthorized construction.

3.The learned counsel further submitted that pursuant to the order of this Court dated 25.03.2024, notices were issued to the petitioner, which were kept pending. While the matter stood thus, the third respondent, vide proceedings in Na.Ka.No.187/2024/A1 dated 22.01.2025, directed the petitioner to remove the



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unauthorized construction of second floor, failing which further action would be taken to seal the premises. The said order was passed under Section 135(4) of the Tamil Nadu Urban Local Bodies Act, 1998. Accordingly, the petitioner submitted an application online, vide Application No. SWP/BPA/0508668/2025, dated 23.04.2025, seeking regularization. When the statute confers power for regularization, the competent authority is bound to consider the same. Therefore, precipitating the issue by proceeding with demolition while the application is pending is unwarranted and contrary to the statutory provisions, which also contemplate regularization and penalty. Hence, this Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Perused the materials available on record.

5. Upon perusal of the records, it is seen that the petitioner had constructed the ground floor and first floor after obtaining prior approval. However, the second floor was constructed without permission. The respondents have initiated action to demolish the unauthorized construction. After receiving



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such notice, the petitioner submitted an online application on 23.04.2025 for approval of the construction plan.

6.In view of the above, the respondents are directed to consider the online application of the petitioner dated 23.04.2025 on its own merits and in accordance with law, and to pass appropriate orders within a period of **twelve** weeks from the date of receipt of a copy of this order. Until such time, the notice issued by the third respondent, dated 04.04.2025, initiating demolition proceedings, shall be kept in abeyance.

7.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025

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

Note: Issue Order Copy on 28.04.2025.

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To

- 1.The District Collector,
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Dindigul District,
Dindigul.
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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.P(MD)No.12600 of 2025

DATED : 28.04.2025