



W.P.(MD) No.15054 of 2025

and

W.M.P.(MD) Nos.11309 & 11310 of 2025

C.SARAVANAN.,J

The matter is listed today under the caption “for being mentioned”.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submits that the time limit may be fixed to the second respondent to pass fresh order.

3. In view of the same, paragraph No.11 of the order, dated 03.06.2025 is modified as follows:

“11.That being the case, this Court is of the view that this is a fit case for interfering with the impugned order. Therefore, the impugned order is quashed and the case is remitted back to the second respondent to pass a fresh order . Needless to state, before passing such order, both the petitioner and the fourth respondent and others, who may be interested in the property, shall be heard. All the issues are left open to be decided and it is for the petitioner to convince the second respondent on the rights of the petitioner over the property.”

4. Registry is directed to issue fresh order copy.

26.06.2025

apd



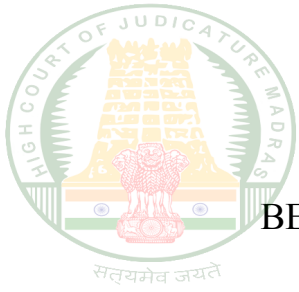
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C.SARAVANAN.,J
apd

W.P.(MD) No.15054 of 2025
and
W.M.P.(MD) Nos.11309 & 11310 of 2025

26.06.2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **03.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15054 of 2025

and

W.M.P.(MD) Nos.11309 and 11310 of 2025

N.Gopal

... Petitioner

/vs./

1.The District Collector,
Collectorate Campus,
Dindigul,
Dindigul District.

2.The Block Development Officer,
Natham Taluk,
Dindigul District.

3.The President,
Panniammalai Village,
Natham Taluk,
Dindigul District.

4.Anbalagan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No.370/2024/Thi2 dated 24.12.2024 in so far as the findings that the petitioner has illegally constructed a house without



building plan approval and as such preventing him from paying the property Tax and House Tax online and to quash the same and further direct the respondents to receive payment of House Tax and other Tax in so far as the petitioner's house in S.No.73/5 situated at Panniyamalai Village, Naduavanur Aavichipatti Union, Natham Taluk, Dindigul District and issue a receipt in his name within a time limit to be fixed by this Court.

For Petitioner : Mr.T.Sakthi Kumar for
Mr.C.R.Kasi Viswanathan
For R1 : Mr.C.Satheesh
Government Advocate
For R2 : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the Official respondents 1 and 2 and after dispensing with the notice to the respondents 3 and 4.

2.The petitioner and the fourth respondent are brothers. There appears to be certain land dispute between the petitioner and the fourth respondent and the other siblings of the petitioner and the fourth respondent.

3.It appears that the petitioner has filed O.S.No.246 of 2015 before the Additional Sub Court, Dindigul, to partition the property, which is the subject matter



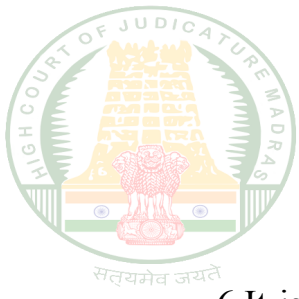
of the present writ petition.

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4.It is the specific case of the petitioner that the petitioner has put up a construction in the year 1992 before the Tamil Nadu Panchayats Act, 1994, was enacted. It is the case of the petitioner that the petitioner's brother, namely the fourth respondent herein, has encroached upon the petitioner's property and therefore, the petitioner had filed I.A.No.7 of 2023 in the above suit and had secured an interim order.

5.Despite the interim order, the fourth respondent, according to the petitioner, was putting up a construction without any approval from the authorities under the provisions of Tamil Nadu Panchayats Act, 1994, and the Tamil Nadu Combined Development and Building Rules, 2019. Therefore, the petitioner had filed W.P.(MD) No.952 of 2024, where this Court passed the following order:-

“5.In such circumstances, this Court directs the respondents 1 to 3 to conduct an enquiry as to whether the petitioner and the 4th respondent have made constructions after obtaining necessary permission from the competent authority, after issuing notice and providing opportunity of hearing to the petitioner, the fourth respondent and any other parties concerned. In the enquiry, if it is found that the constructions are made without approval from the competent authority, then the respondents 1 to 3 shall take necessary further actions in accordance with law. ”

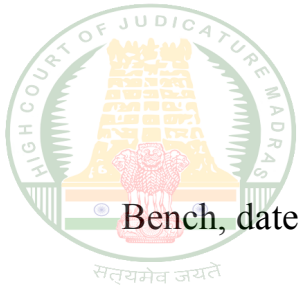


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6.It is the specific case of the petitioner that the petitioner was not required to obtain building permission at that time when the construction was made. However, no construction can be put up thereafter either under the provisions of the Tamil Nadu Panchayats Act, 1994 or the provisions of the Tamil Nadu Combined Development and Building Rules, 2019 or the provisions of the Tamil Nadu Urban Local Bodies Act, 1998.

7.It is the further case of the petitioner that pursuant to the directions of the Division Bench of this Court in W.P.(MD) No.952 of 2024, dated 18.01.2024, the respondents have taken the impugned decision, whereby they have come to a conclusion that the petitioner has put up a building without obtaining necessary planning permission, even though the petitioner was not required to obtain any such planning permission. It is submitted that as a consequential to the impugned order, tax collection has been stopped.

8.Having considered the submissions made by the learned counsel for the petitioner and the Official respondents herein, I am of the *prima facie* view that the impugned order has been passed in hurry to comply with the order of the Division



Bench, dated 18.01.2024, in W.P.(MD) No.952 of 2024.

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9. There is a manifest violation of principles of natural justice. The petitioner should have been given an opportunity to explain the legal position as to whether the petitioner was indeed required to obtain any planning permission before putting up the construction in 1992.

10. The averments in the plaint and the averments in I.A.No.7 of 2023 *prima facie* indicate that the petitioner has put up the construction in the year 1992, whereas the order of the Division Bench in W.P.(MD) No.952 of 2024 was dated 18.01.2024.

11. That being the case, this Court is of the view that this is a fit case for interfering with the impugned order. Therefore, the impugned order is quashed and the case is remitted back to the second respondent to pass a fresh order. Needless to state, before passing such order, both the petitioner and the fourth respondent and others, who may be interested in the property, shall be heard. All the issues are left open to be decided and it is for the petitioner to convince the second respondent on the rights of the petitioner over the property.



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12. With the aforesaid directions, the Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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03.06.2025

To

1. The District Collector,
Collectorate Campus,
Dindigul,
Dindigul District.

2. The Block Development Officer,
Natham Taluk,
Dindigul District.



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C.SARAVANAN, J.

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03.06.2025