



W.P.(MD).No.13749 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.13749 of 2025
and
W.M.P.(MD).Nos.9914 and 9916 of 2025

P.Pison

... Petitioner

Vs.

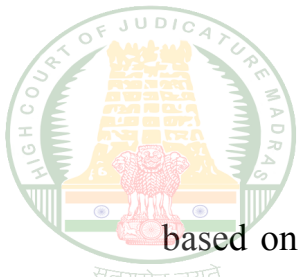
1.The Director / Assistant Director (FAC),
District Town and Country Planning Office,
Kanyakumari District.

2.The District Collector,
Kanyakumari District.

3.The Commissioner,
Nagercoil City Municipal Corporation,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication issued by the 1st respondent dated 19.03.2025 in Notice No.314/2025/KKDTCP and quash the same and consequently direct the 2nd respondent to grant permission for the functioning of prayer hall at Door No.105/C2, Crown Street, Vathiyarvilai, Nagercoil, Kanyakumari District,



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based on the petitioner's representation dated 03.03.2025 within the stipulated period.

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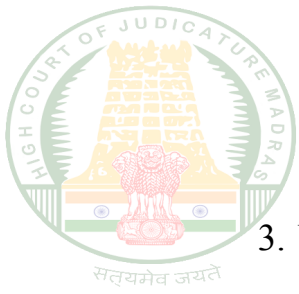
For Petitioner : Mr.K.Rajeshwaran
For R-1 & R-2 : Mr.J.Ashok
Additional Government Pleader
For R-3 : Mr.F.Deepak

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 Notice No.314/2025/KKDTCP dated 19.03.2025, 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 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.



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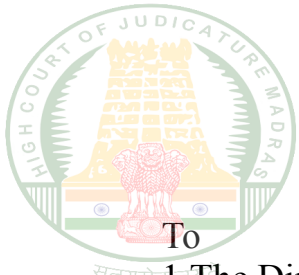
3. Unauthorised constructions are posing danger to public at large. Such constructions are not only causing environmental damage, but also a threat to the road users and neighbours. Therefore, there cannot be any misplaced sympathy against the unauthorised constructions made by any person.

4. In the present case, the authorities found that the subject building has unauthorised constructions 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.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are 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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