

W.P(MD)No.15331 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.15331 of 2025

S.Shunmugavel

... Petitioner

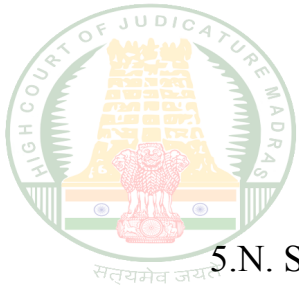
Vs

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Tenkasi District,
Tenkasi.

3. The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tenkasi District.

4. The Superintendent of Police,
Tenkasi District,
Tenkasi.



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5.N. Sankaralingam

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to take necessary action as against the unauthorized construction was made by the 5th respondent at Tenkasi Municipality Ward-B, Block 19, Town Survey No.218, in Door No.27/58, Arasoor Nangai Amman Kovil Street, Tenkasi, Tenkasi District by considering the petitioner's representations dated 22.05.2025 within a stipulated period as framed by this Court.

For Petitioner	:	Mr.A.Sankararamasubramanian,
For Respondents	:	Mr.J.Ashok (R1 & R2) Additional Government Pleader
	:	Mr.P.Athimoolapandian (R3) Standing Counsel
	:	Mr.T.Senthil Kumar (R4) Additional Public Prosecutor
	:	Mr.M.Kannan (R5)



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ORDER

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

The Writ of Mandamus has been instituted to direct the third respondent to take necessary action as against the unauthorized construction made by the fifth respondent at Tenkasi Municipality Ward-B, Block 19, Town Survey No.218, Door No.27/58, Arasoor Nangai Amman Kovil Street, Tenkasi, Tenkasi District, by considering the petitioner's representation, dated 22.05.2025.

2. Based on the complaint of the petitioner, enforcement action was initiated to demolish the unauthorized construction made by the fifth respondent. The third respondent Municipality issued notice and the said notice came to be challenged in W.P.(MD)No.2389 of 2025. The Hon'ble Division Bench of this Court passed final orders on 18.02.2025 and kept the lock and seal notice in abeyance and granted liberty to the writ petitioner therein to rectify the deviations and comply with the order of the Government passed under Section 80(A) of the Town and Country Planning Act.



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3. In pursuance of the orders of the High Court, a revision was preferred before the Government under Section 80(A) of the Town and Country Planning Act. The Government conducted an enquiry and passed final orders on 15.10.2024 and the following orders are issued:

"16. After careful examination of the above facts of the case and submissions made, the Government hereby pass order as below:-

(i) The petitioner is granted three months time to carry out rectifications of the building to satisfy the rules and to obtain revised approval for rectified building as per Tamil Nadu Combined Development and Building Rules, 2019 after getting NOC from HACA as Tenkasi Municipality is declared as Hill area.

(ii) Till such time there shall be a stay on the impugned notice dated 11.01.2024 and the enforcement action shall be kept in abeyance. No coercive action shall be taken against the petitioner's building during the said period of three months time.

(iii) On expiry of the said period of three months time, the Commissioner, Tenkasi Municipality shall proceed with further enforcement action as per TNT & CP Act 1971 if the petitioner failed to comply the above direction within the time specified.



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(iv) Action shall also be proceeded against the objectors building if any violation or deviation to the approved plan is noticed or if the building has been constructed unauthorisedly.

17. The revision petition dated 31.05.2014 filed by Thiru.N.Sankaralingam under section 80(A) and stay petition under 80A(3) Tamil Nadu Town and Country Planning Act, 1971 and all other petitions are disposed accordingly.

4.Since the dispute reached finality, the fifth respondent ought to have demolished the unauthorized portion of the construction and restore the building as per the building plan permission, within a period of three months. However, the Government order has not been complied with, which resulted in filing of the present writ petition.

5.The learned Counsel for the petitioner would submit that yet another writ petition was filed and further three months time was granted by the High Court to comply with the orders of the Government.

6.The fifth respondent states that no NOC for demolition was granted and that is the reason why he has not implemented the



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Government order.

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7.This Court is of the considered view that once the Government passed an order under Section 80(A) of the Town and Country Planning Act, no further permission or NOC is required from the Municipality and the fifth respondent has to execute the Government order in its letter and spirit and inform the competent authority of the Municipality enabling them to conduct an inspection and ascertain whether the order of the Government has been implemented in entirety or not.

8.In the present case, one way or other, the demolition of unauthorized construction was prolonged and therefore, this Court is not inclined to take any further lenient view. Thus, the fifth respondent is directed to demolish the unauthorized portion of the construction and restore the building as per the building plan permission granted by the competent authority, within a period of two weeks, from the date of receipt of a copy of this order. The third respondent/Commissioner, Tenkasi Municipality is directed to conduct field inspection on expiry of the said period of two weeks and ascertain whether the fifth respondent



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has complied with the order of the Government and in the event of failure, the third respondent is directed to demolish the unauthorized portion of the construction and recover the expenditures from the fifth respondent by following the procedures.

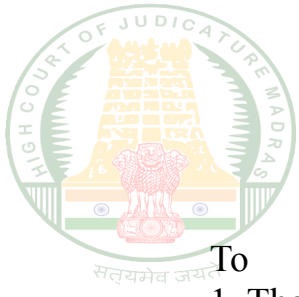
9. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

[S.M.S., J.] [A.D.M.C., J.]
05.06.2025

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

LR



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To

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and
DR.A.D.MARIA CLETE, J.

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