



W.P(MD)No.15757 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.15757 of 2021
and W.M.P(MD).Nos.12706 and 12705 of 2021 and 20441 of 2022

A.Mary Joy

.. Petitioner

Vs

1.The Executive Officer,
Vilavoor I Grade Town Panchayat,
Kalkulam Taluk,
Kanyakumari District.

2.Praveen

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned notices in proceedings Na.Ka.No.02.2021/A1, dated 19.07.2021 and in proceedings Na.Ka.No.02.2021/A1 dated 30.07.2021 issued by the first respondent herein and to quash the same.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mrs.D.Farjana Ghoushia (for R1)
Special Government Pleader
dismissed for default (for R2)



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ORDER

This writ petition has been filed challenging the order passed by the first respondent directing the petitioner to remove the compound wall, which has been constructed over and above 2.0 meters height, which is against the provisions of the Tamil Nadu Combined Development and Building Rules, 2019.

2. The case of the petitioner is that the construction in question was put up by her in the year 2017. Being a neighbour, the second respondent had been frequently picking quarrels with her over petty issues and had also been throwing trash into her compound. The compound wall had not been plastered at that time. Subsequently, in the year 2021, the petitioner plastered the wall, as she had been unable to undertake the work earlier due to the COVID-19 pandemic. After the plastering work was completed, the petitioner was shocked to receive the impugned notice dated 09.04.2021. It is the contention of the petitioner that the impugned notice was issued without serving any prior notice or affording her an opportunity of being heard. She further contends that the compound wall had been constructed as early as in the year 2017 and that thereafter only plastering work was carried out. According to her, the wall was



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not in such a ruinous or dangerous condition as to require its demolition in terms of Section 218 of the Tamil Nadu District Municipalities Act. Hence, she seeks to quash the impugned notice.

3. Heard the learned counsel on either side and perused the materials available on record.

4. A perusal of the impugned notice shows that it has been issued under the provisions of the Tamil Nadu Combined Development and Building Rules, 2019, which came into effect in the year 2019. the wall in question was constructed two years earlier and that the Act in question does not have retrospective effect. Therefore, the impugned notices in proceedings Na.Ka.No. 02.2021/A1, dated 19.07.2021 and proceedings Na.Ka.No.02.2021/A1 dated 30.07.2021 issued by the first respondent is without jurisdiction and hence, the same is quashed. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.11.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk



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To
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P.T.ASHA, J.

Rmk

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