



W.P(MD)No.16032 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.16032 of 2025
and
W.M.P(MD)No.12123 of 2025**

S.Shahul Hameed

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Deputy Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai.

2.The Member Secretary,
Karur Town and Country Planning Authority,
Lakshmipuram North Street,
Karur Town,
Karur - 639 001.

3.The Commissioner,
Karur Municipal Corporation,
Karur.



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4.J.Idyathullah

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to take action and proceed against the unauthorized construction made by the 4th respondent in T.S.No.359/1, Plot A, Ward 1, Pradakshanam Road, Karur Town, Karur District within the time stipulated by this Court in light of the decision of the Honble Apex Court in Kaniz Ahmed vs. Shahabudeen, 2025 INSC 610.

For Petitioner	: Mr.M.Mahaboob Athiff
For RR 1 & 2	: Mr.M.Sarangan Additional Government Pleader
For R – 3	: Mr.K.Balasubramani Standing Counsel
For R – 4	: Mr.A.Mohamed Haneef



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ORDER

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

The writ on hand has been instituted to direct the respondents 2 and 3 to take appropriate action and proceed against the unauthorized construction made by the 4th respondent in T.S.No.359/1, Plot A, Ward 1, Pradakshanam Road, Karur Town, Karur District within the time stipulated by this Court, in the light of the decision of the Honble Apex Court in ***Kaniz Ahmed vs. Shahabudeen [2025 INSC 610]***.

2.Based on a complaint lodged by the petitioner against the unauthorised construction made by the fourth respondent, enforcement actions are initiated by the Commissioner, Karur Municipal Corporation. Lock and seal notice was issued. Challenging the same, the fourth respondent filed a revision under Section 80-A of the Town and Country Planning Act, 1971. The revision filed before the Government was elaborately adjudicated after affording due opportunity to all the parties



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concerned. The revision under Section 80-A of the Town and Country Planning Act, 1971 was disposed of vide letter dated 24.01.2025. The Government in the said order directed the fourth respondent/Thiru.J.Idayadhulla to submit a planning permission application with all documents within a month's time to Karur Corporation. The Karur City Municipal Corporation shall inspect and dispose of the planning permission application, if the site boundary falling within the revenue records. The Karur Corporation shall proceed further action against the building, if the planning permission application was rejected for non-compliance of the Tamil Nadu Combined Development and Building Rules, 2019.

3.Pursuant to the Government Order, the fourth respondent submitted an application. However, the Commissioner, Karur Corporation rejected the said application on 26.04.2025. Earlier, the petitioner filed a Writ Petition in WP(MD)No.7777 of 2017. In the said Writ Petition, the Commissioner, Karur Municipal Corporation filed a status report. The status



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report reveals that inspection of the property was conducted on 21.09.2017 and the building was identified as wholly unauthorized and no building plan approval was obtained. Consequently, a notice under the Tamil Nadu District Municipalities Act, 1920, was issued for removal of unauthorized construction.

4.The fourth respondent/Mr.J.Idhayathullah has exhausted all the remedies contemplated under the applicable statutes and rules in force. The Government also rejected his petition. Accordingly, the Commissioner, Karur Corporation, examined the application filed by the fourth respondent independently and rejected the same. Since the enforcement actions are pending for more than 8 years and the fourth respondent could increase the longevity of the enforcement action, no further leniency needs to be shown by this Court in the present Writ Petition.

5.The Hon'ble Apex Court, reiterating the judgment in the case of ***Rajendra Kumar Barjatya and another Vs. U.P Avas Evam Vikas***



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Parishad and others [2024 INSC 919], passed an order in the case of ***Kaniz Ahmed Vs. Sabuddin and others [2025 INSC 610]*** and the relevant portion stands extracted hereunder:

“7.Thus, the Courts must adopt a strict approach while dealing with cases of illegal construction and should not readily engage themselves in judicial regularisation of buildings erected without requisite permissions of the competent authority. The need for maintaining such a firm stance emanates not only from inviolable duty cast upon the Courts to uphold the rule of law, rather such judicial restraint gains more force in order to facilitate the well-being of all concerned. The law ought not to come to rescue of those who flout its rigours as allowing the same might result in flourishing the culture of impunity. Put otherwise, if the law were to protect the ones who endeavour to disregard it, the same would lead to undermine the deterrent effect of laws, which is the cornerstone of a just and orderly society.[See: Ashok Malhotra v. Municipal Corporation of Delhi, W.P. (c) No. 10233 of 2024 (Delhi High Court)].”



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6.Since the fourth respondent has exhausted all the remedies and the building has been identified as wholly unauthorized, the third respondent is directed to remove the unauthorized construction without causing any further delay.

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

[S.M.S.,J.] & [A.D.M.C.,J.]
08.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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and
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ORDER MADE IN
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