

Cont.P.(MD) No.1622 of 2024
and W.P.(MD) No.20171 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

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

Contempt Petition (MD) No.1622 of 2024

in

W.P.(MD) No.11743 of 2019

and

W.P.(MD) No.20171 of 2024

and

W.M.P.(MD) Nos.17114 and 17115 of 2024

Cont.P.(MD) No.1622 of 2024:

N.Sampath

... Petitioner/Petitioner

Vs.

1.M.Pradeepkumar, IAS,
District Collector,
Tiruchirappalli.

2.T.Kaliappan,
Assistant Director,
Town Panchayat,
Tiruchirappalli.

... Contemnors/Nil

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnors for their willful disobedience of the orders dated 28.11.2023 made in W.P.(MD) No. 11743 of 2019 on the file of this Court.

For Petitioner : Mr.R.Rajeshkumar



Cont.P.(MD) No.1622 of 2024
and W.P.(MD) No.20171 of 2024

WEB COPY

For Respondents : Mr.M.Sarangan
Additional Government Pleader

W.P.(MD) No.20171 of 2024:

Raja ... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District.

2.The Assistant Director,
Town Panchayat,
Tiruchirappalli.

3.The Executive Officer,
Mettupalayam First Grade Town Panchayat,
Musiri Taluk, Tiruchirappalli District.

4.N.Sampath ... Respondents

***[R4 is impleaded vide Court order dated
30.07.2025 in W.M.P.(MD) No.18357 of
2024 in W.P.(MD) No.20171 of 2024]***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in proceedings Na.Ka.No. 243/2024, dated 30.07.2024 and Na.Ka.No.176/2023, dated 12.08.2024 and quash the same as illegal and direct the respondents to receive the application for building plan approval dated 20.07.2024 and consider the same.

For Petitioner : Ms.J.Madhu

For RR1 to 3 : Mr.M.Sarangan
Additional Government Pleader



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Cont.P.(MD) No.1622 of 2024
and W.P.(MD) No.20171 of 2024

For R4 : Mr.R.Rajeshkumar

COMMON ORDER

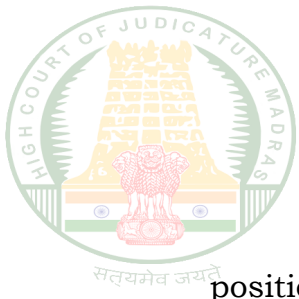
[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notice issued under Section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as “the Act”) is under challenge in W.P.(MD) No.20171 of 2024.

2. Contempt Petition (MD) No.1622 of 2024 has been instituted to punish the contemnors for their willful disobedience of the order dated 28.11.2023 made in W.P.(MD) No.11743 of 2019.

3. The authorities identified the unauthorised construction by conducting inspection and initiated enforcement action. Thereafter, the notice under Section 56 of the Act came to be issued.

4. The said notice is susceptible to a revision under Section 80A of the Act before the Government. Thus, the writ petition in W.P.(MD) No.20171 of 2024 is not maintainable, since efficacious statutory remedy is provided under the Act, more so the Government will be in a

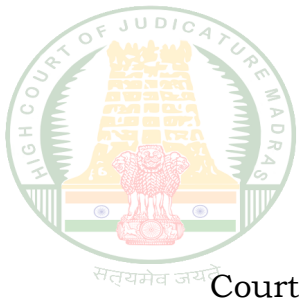


Cont.P.(MD) No.1622 of 2024
and W.P.(MD) No.20171 of 2024

WEB COPY

position to adjudicate the issues on merits and with reference to the documents, which cannot be undertaken by the High Court in exercise of the powers of judicial review under Article 226 of the Constitution of India. Therefore, the Writ Petition stands dismissed. However, the petitioner is at liberty to prefer a revision under Section 80A of the Act. In the absence of any interim order by the Government under sub-section (3) to Section 80A of the Act, the authorities are at liberty to continue the enforcement action and remove the same as expeditiously as possible. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. Insofar as the contempt petition is concerned, W.P.(MD) No. 11743 of 2019 was filed for initiation of action against the unauthorised construction of commercial shops between the same parties. This Court passed final orders on 28.11.2023 in the said writ petition directing the authorities to remove the unauthorised construction by following the procedures as contemplated under law. However, in view of the interim order granted in W.P.(MD) No.20171 of 2024, the authorities are not in a position to complete the enforcement action by removing the unauthorised construction. This



Cont.P.(MD) No.1622 of 2024
and W.P.(MD) No.20171 of 2024

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Court finds that there is no willful disobedience of the order of this Court. Therefore, Contempt Petition (MD) No.1622 of 2024 stands dismissed.

6. To conclude, both the writ petition as well as the contempt petition are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

30.07.2025

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

abr

To

- 1.The District Collector,
Tiruchirappalli District.
- 2.The Assistant Director,
Town Panchayat,
Tiruchirappalli.
- 3.The Executive Officer,
Mettupalayam First Grade Town Panchayat,
Musiri Taluk, Tiruchirappalli District.



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Cont.P.(MD) No.1622 of 2024
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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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Cont.P.(MD) No.1622 of 2024
and
W.P.(MD) No.20171 of 2024

30.07.2025
(2/2)