



W.P.(MD) No. 17124 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 17124 of 2025
and
W.M.P.(MD) No.12988 of 2025**

D.Arulraj

... Petitioner

Vs.

1. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2. The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

3. The Assistant Executive Engineer,
Tirunelveli Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to revoke the Modified Planning Permission and consequently, restore the original Planning Permission granted to the petitioner vide Plan Approval



W.P.(MD) No. 17124 of 2025

SWP/SCM/DTCP/CMA/0054219/2024, dated 29.10.2024 by considering petitioner's representation dated 17.06.2025 to the file of the second respondent.

For petitioner : Mr.S.I.Muthiah

For respondents : Mr.A.Sivanupandian
Standing Counsel

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner has filed this Writ Petition for a Mandamus to direct the respondent to to direct the respondents to revoke the Modified Planning Permission and consequently, restore the original Planning Permission granted to the petitioner vide Plan Approval SWP/SCM/DTCP/CMA/0054219/2024, dated 29.10.2024 by considering petitioner's representation dated 17.06.2025 to the file of the second respondent.

3. The petitioner was issued with Planning Permission, dated 29.10.2024.



W.P.(MD) No. 17124 of 2025

WEB COPY

After the Planning Permission was granted to the petitioner, he has commenced the construction. The site inspection is said to have been taken place on 03.03.2025, pursuant to the notice, dated 27.02.2025 and thereafter, notice in Form IV has been issued to the petitioner on 20.05.2025, wherein it is stated that pursuant to the inspection carried on 27.02.2025 and 03.03.2025, it was found that the petitioner had made some unauthorized development of building in contravention of the Planning Permission, which had been duly modified.

4. The learned counsel for the petitioner has drawn attention to Section 54(1) of the Town and Country Planning Act, 1971, as per which alteration of the approved plan has to proceed with notice. In this Writ Petition, admittedly, no notice has been issued to the petitioner.

5. Considering the same, this Writ Petition is disposed of at the time of admission by directing the respondents to pass fresh order on merits and in accordance with Section 54(1) of the Town and Country Planning Act, 1971.

6. The Form -IV, dated 20.05.2025 shall be treated as Show Cause Notice,



W.P.(MD) No. 17124 of 2025

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to which the petitioner has replied on 17.06.2025. The respondents are directed to pass fresh orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

7. Pending such exercise, the proposed lock and seal of the petitioner's property shall be kept in abeyance.

8. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

25.06.2025

To

1. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

2. The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

3. The Assistant Executive Engineer,
Tirunelveli Corporation,
Tirunelveli.

4/5



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W.P.(MD) No. 17124 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 17124 of 2025

25.06.2025