



W.P.(MD)No.19347 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.19347 of 2025

K.Sundarapandian

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by its Deputy Secretary,
Housing and Urban Development Department,
Secretariat, Chennai-09.

2.The Commissioner,
Sattur Municipality,
Sattur Town, Virudhunagar District.

3.The Deputy Director,
District Town and Country Planning Authority,
TNHB Colony, Madurai Road,
Chattria Reddypatti, (P.O.),
Virudhunagar-626001.

4.Chellaperumal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to take enforcement action



W.P.(MD)No.19347 of 2025

against the unauthorized construction in T.S.No.270, Ward C, Block-17, Sattur, Virudhunagar District pursuant to the enforcement notice in Notice No.1/2023, dated 05.05.2023 under Sections 56 and 85 of the Tamil Nadu Town and Country Planning Act, 1971 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For R1 & R3 : Mr.J.Ashok,
Additional Government Pleader
For R2 : No Appearance
For R4 : Mr.M.Thirunavukkarasu

ORDER

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

This Writ Petition has been instituted to direct the respondents 2 and 3 to take enforcement action against the unauthorized construction in T.S.No.270, Ward C, Block-17, Sattur, Virudhunagar District, pursuant to the enforcement notice in Notice No.1/2023, dated 05.05.2023 under Sections 56 and 85 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') within the time that may be stipulated by this Court.



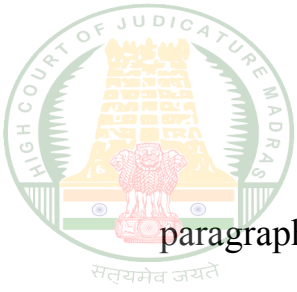
W.P.(MD)No.19347 of 2025

WEB COPY

2.It is not in dispute between the parties that the existing Vinayagar Temple at the subject property is 100 years old and a civil suit in O.S.No.158 of 2022 for declaration of title is also pending. However, the subject matter of the present Writ Petition is about the new construction in the temple in the road.

3.The learned counsel appearing for the petitioner would submit that no building plan permission was obtained for construction of new mandapam and therefore, a complaint was given to remove the unauthorized construction. The 3rd respondent conducted inspection and found that the construction is wholly unauthorized construction, which is made adjacent to the temple and no building plan permission was obtained. Therefore, lock and seal notice was issued to the 4th respondent, who in turn, preferred a revision under Section 80(A) of the Act.

4.The Government elaborately considered the facts and circumstances by affording opportunity to the parties. The Government, in paragraph No.11 of the proceedings dated 23.01.2024, made a finding that “site was inspected and found that the existing temple is 100 years old and a new structure / mandapam of size 2.4m x 9.0 m has been put up unauthorizedly by encroaching the road.” In



W.P.(MD)No.19347 of 2025

paragraph Nos.12 and 13 of the proceedings, the Government has granted permission to file an application by granting three months time. Consequently, an application was made, seeking regularization of the unauthorized construction. The Commissioner of Sattur Municipality / 2nd respondent has considered the application and found that there is no provision under the Act and Rules to grant regularization and consequently, rejected the same.

5. Therefore, the authorities competent have considered the issues on multiple occasions and the Government also decided the issues, stating that adjacent to 100 years old Vinayagar Temple, a new construction has been made, encroaching upon the road, which is wholly unauthorized.

6. The learned counsel appearing for the 4th respondent would oppose by stating that it is only a small deviation and there is no pucca construction. The deviation is very negligible and therefore, no action needs to be taken. It is further contended that application will be submitted, seeking regularization.

7. This Court does not find any force in the said contention, since the issues were elaborately adjudicated by the 3rd respondent as well as by the



W.P.(MD)No.19347 of 2025

Government based on the field inspection report by the authorities competent.

The authorities competent in clear terms said that 100 years old Vinayagar Temple situates and it is not in dispute. In respect of the title dispute, a civil suit is pending, which is to be resolved before the competent Court of law.

8.As far as the new construction adjacent to the temple by encroaching upon the public road is concerned, the Government also made a finding by confirming the said position made by the 3rd respondent. Therefore, there is no impediment for the authorities competent to remove the unauthorized construction newly made adjacent to the temple by encroaching upon the public road. The said portion newly constructed without obtaining planning permission and wholly unauthorized alone is to be removed by the authorities competent without causing any damage to the existing 100 year old Vinayagar Temple.

9.Therefore, the 2nd respondent is directed to remove the unauthorized construction to the extent as stated above, within a period of six (6) weeks from the date of receipt of a copy of this order.



W.P.(MD)No.19347 of 2025

WEB COPY

10. With the above direction, this Writ Petition is disposed of. No costs.

(S.M.S., J.) & (G.A.M., J.)

28.08.2025

(1/3)

NCC : Yes / No

Index : Yes / No

Yuva

To

1. The Deputy Secretary
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai-09.
2. The Commissioner,
Sattur Municipality,
Sattur Town, Virudhunagar District.
3. The Deputy Director,
District Town and Country Planning Authority,
TNHB Colony, Madurai Road,
Chattria Reddypatti, (P.O.),
Virudhunagar-626001.



WEB COPY



W.P.(MD)No.19347 of 2025

S.M.SUBRAMANIAM, J.

AND

G.ARUL MURUGAN, J.

Yuva

W.P.(MD)No.19347 of 2025

28.08.2025

(1/3)