



W.P.(MD)No.21438 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.21438 of 2025

and

W.M.P(MD)No.16558 of 2025

M/s.IDBI Bank Ltd.,
Represented by its Branch Manager,
No.85/4A, Ground Floor, Balaji Avenue,
Trichy Road,
Thuraiyur, Trichy District.

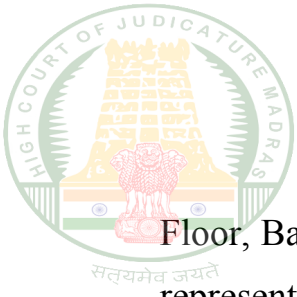
... Petitioner

Vs.

1.Mr.O.S.Rathinam
2.The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order dated 22.04.2025 in Na.Ka.No.3956/2023/F1 sent by the second respondent and quash the same and thereby direct the second respondent to give 12 months time to this writ petitioner to vacate their Branch Office at No.85/4A, Ground



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Floor, Balaji Avenue, Trichy Road, Thuraiyur, Trichy District on the basis of their representation dated 09.06.2025.

For Petitioner : Mr.B.Rajesh Saravanan
For R2 : Mr.K.R.Kishore Ram
for M/s.R.B.Law Associates

ORDER

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

The final notice to lock and seal of an unauthorized building issued by the Commissioner, Thuraiyur Municipality vide proceedings dated 22.04.2025 is under challenge in the present writ petition.

2. The writ petition has been instituted by the IDBI Bank Ltd. Admittedly, the petitioner Bank is a tenant. The owner of the building is one Mr.O.S.Rathinam, S/o.Subramanian / first respondent. Based on the complaint, an enforcement action was initiated by the Thuraiyur Municipality for removal of the unauthorized construction. Initially, a notice was issued on 09.02.2024 under Section 135(1) of the Tamil Nadu Urban Local Bodies Act, 1998. Thereafter, further notice was issued under Section 135(6) of the said Act vide notice dated 14.08.2024. Several opportunities were granted to the first respondent to remove the unauthorised construction and restore the building as per the building plan

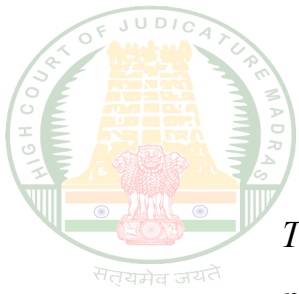


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permission granted. Since the owner of the building failed to remove the unauthorized construction, once again a final notice dated 03.09.2024 was issued under Section 135(6) of the Tamil Nadu Urban Local Bodies Act, 1998. The first respondent submitted his explanations on 25.09.2024. The explanations were looked into by the authorities. Since the explanations were not satisfied, further notice was issued on 27.09.2024. Several notices were issued and the first respondent/owner of the building also had participated in the process of enquiry conducted by the competent authorities. Pertinently, notice was issued to the occupants / tenant of the unauthorized building by the competent authorities on 13.12.2024 itself. The final notice was served on the occupants / tenants on 24.01.2025. A writ petition in W.P.(MD)No.30823 of 2024 has been filed by one S.Anbalagan seeking for writ of mandamus. This Court by an order dated 06.01.2025 passed the following order:-

"By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed for a Mandamus to direct the respondents to take necessary action on the basis of the petitioner's representation dated 05.12.2023, with regard to remove the building namely Sri Venkateshwara lodge in



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Trichy to Thuraiyur Extension of road in the light of the order passed by the fifth respondent dated 20.09.2024.

3.The petitioner herein had given a representation to the respondents on 05.12.2023 in this regard. Since the said representation was not considered, the present writ petition has been filed.

4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5.In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 05.12.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the



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matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs."

3. Even after the order of this Court, the owner of the building / first respondent submitted an explanation to the authorities on 28.01.2025 and on 24.03.2025 all the explanations were considered by the competent authorities and again notice was issued on 12.04.2025. Yet another writ petition was filed in W.P(MD)No.7203 of 2025 by the owner of the building challenging the notice dated 20.09.2024 and an order was passed on 10.07.2025. Pertinently, Mr.O.S.Rathinam filed another writ petition in W.P(MD)No.13618 of 2025 challenging the impugned order dated 22.04.2025. When the very same impugned order has been passed against the owner of the building, this Court disposed of the writ petition directing the authorities to continue the enforcement action and remove the unauthorised construction / deviation. Since the writ petition filed by the owner of the building, against the very same impugned order, has been rejected, the tenant / present writ petitioner filed this writ petition once again challenging the same impugned order dated 22.04.2025. The very writ petition itself amounts to abuse of process of law. Once the impugned order has been

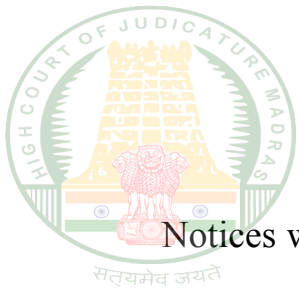


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addressed to the owner of the building and the copy was communicated to the occupiers/tenants in the building, after the disposal of the writ petition filed by the owner of the building, the tenant cannot approach the Court challenging the very same impugned order.

4. The very intention of the petitioner and the owner of the building is that they are attempting to prolong and protract the enforcement actions. The Court cannot appreciate the conduct of the petitioner, who is a Bank. They are very much aware of the fact that the enforcement actions were commenced in the year 2024 and notice was issued to the petitioner / Bank in December, 2024. They are expected to shift the building immediately atleast within three or six months, but they are continuing to occupy the unauthorized construction and in order to support the owner of the building, the petitioner has filed the writ petition knowing the fact that the writ petition filed by the owner of the building challenging the very same impugned order was disposed of and enforcement actions are allowed to be completed.

5. The petitioner bank has not approached this Court with clean hands. They are very much aware of the enforcement action initiated in the year 2024.



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Notices were issued by the Thuraiyur Municipality to the occupier / tenant and the owner also participated in the process of enquiry. Therefore, the present writ petition is vexatious one and filed with an idea to support the owner to prolong the enforcement actions. Thus, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The second respondent is directed to lock and seal the premises within 48 hours from the date of receipt of a copy of this order. After sealing the premises by the Municipality, the petitioner is at liberty to submit an application to the Commissioner, Thuraiyur Municipality to clear their belongings kept inside the building, if not already removed. In the event of receiving any such application, the Commissioner, Thuraiyur Municipality shall allow the petitioner / Bank to remove their belongings and continue the enforcement proceedings for removal of unauthorised constructions.

(S.M.S., J.) & (A.D.M.C., J.)
06.08.2025

NCC : Yes / No
Index : Yes / No
am



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To
The Commissioner,
Thuraiyur Municipality,
Thuraiyur,
Trichy District.

Note (1) : Issue order copy on 06.08.2025

***Note (ii): Registry is directed to communicate the order
immediately to the Commissioner,
Thuraiyur Municipality,
Thuraiyur.***



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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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