



W.P.(MD)No.20549 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.20549 of 2025

and

W.M.P.(MD)No.15923 and 15924 of 2025

Mahalakshmi

... Petitioner

/Vs./

- 1.The Director of Town Panchayat,
Directorate of Town Panchayat,
10th and 8th Floors, Urban Administrative Office Campus,
Chennai-28.
- 2.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
E & C Market Road,
Koyambedu, Chennai.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Joint Director,
Town and Country Planning Department,
II Floor, Raja Nagar,
South Bye Pass Road,
Tirunelveli.



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5.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli.

6.The Divisional Engineer,
National Highways Department,
Tirunelveli-02.

7.The Executive Officer,
Naranammal Town Panchayat,
Sankar Nagar Post,
Tirunelveli.

8.The Executive Engineer,
PWD Office,
PWD Road, High Ground,
Palayamkottai,
Tirunelveli.

9.Petchi Pandian

10.Eeniammal

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to demolish the unauthorized construction made by the 9th and 10th respondents in Survey No.863/3B in Naranammalpuram Village, Tirunelveli Taluk and District within a time that may be fixed by this Court.

For Petitioner	: Mr.K.Navaneetharaja
For RR1-4, 6 & 7	: Mr.P.Thilak Kumar
	Government Pleader
For R5	: Mrs.Madhuri Donti Reddy
	Standing Counsel



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For R9 & R10 : Mr.S.R.Rajagopal
Senior Advocate
for Mr.R.Anand

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH.,J.**)

The petitioner sought for a mandamus directing R1 to R5 to demolish the construction that is being effected by R9 & R10 in Survey No.863/3B, Naranammalpuram Village, Tirunelveli Taluk and District.

2.Mr.Navaneetharaja, learned counsel, who appears for the present petitioner, submits that the present petition has been filed in public interest. The petitioner is a native of that locality and is aggrieved by the construction effected by R9 and R10 on land admeasuring 28 ½ cents in Survey No.863/3B, Naranammalpram Village, Tirunelveli Talk & District (land/land in question), which she claims is agricultural land.

3. The main grievance is that the building, which is a single complex, has been constructed in total violation of all building norms and without obtaining requisite permissions. There are no setbacks and the building obstructs an existing water channel. Photographs of the structure also reveal that the building is a single structure. Hence this writ petition seeking the plea as set forth in para 1, supra.



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4.We have heard Mr.Thilakkumar, who accepts notice for respondents 1 to 4 and 6 to 8, Ms.Madhuri Donti Reddy, who accepts notice for R5 and Mr.S.R.Rajagopal, learned Senior Advocate for Mr.R.Anand, learned counsel, who accepts notice for R9 & R10.

5.Counters have been filed by R4/ Joint Director, District Town and Country Planning and R5/Tami Nadu Pollution Control Board. At the outset, we clarify that although some allegations in personal capacity have been made as against the parties, we do not concern ourselves with the same, and restrict ourselves only to the facts and issues that emanate from the pleadings.

6.Counter of R4 states that approval for the constructed building in the land in question, has been issued by the Executive Officer, Naranammalpuram Town Panchayat vide six approvals. The total built up area of the building is 16211 sq.ft. There was an inspection conducted after receipt of the complaint from the writ petitioner and Form-VII has been issued to R9 & R10 on 04.08.2025 calling for various records.

7.At para 9, R4 categorically states that the building in question, is a non high-rise, commercial complex, comprising ground



plus three floors that has been constructed in total violation of all building norms and without obtaining any permissions/sanctions from R2 to R4. The violations as set out in the counter are extracted below:

Considering the mini hall in the first floor as community hall/Kalyana mandapam the planning paremeters requirements as per the TNCDBR-2019

S. No.	As per TNCDBR, 2019	Required	Available as on Site	Deviation with respect to TNCDBR, 2019
1.	35(1) Explanation 2 (vii) setback all around the building (Front)	<u>Corner 1</u> 6m	4.2 m	1.80m Less 30% Violation
		<u>Corner 2</u> 6m	6.0m	Nil
2.	35(1) Explanation 2 (vii) Side setback all around the building (North)	6m	Nil	6m Less 100% Violation
3.	35(1) Explanation 2 (vii) Side setback all around the building (South)	6m	0.80m	5.20 m 87% Violation
4.	35(1) Explanation 2 (vii) Side setback all around the building (Rear)	6m	Nil	6.0 m Less 100% Violation
5.	52(17)(a)(ii) Staircase Width	2.0 m	1.0 m	1.0 m Less 50% Violation
6.	42(ii) Corridor Width	2.0 m	1.50 m	0.50 m Less 25% Violation
7.	Annexure (iv)(b)(14) Parking	Car-23 Nos Two Wheeler-25 Nos	Car-15 Nos Two Wheeler-25 Nos	Car-8 Nos Less 35% Violation

Since the proposed/existing construction of commercial and service apartment building/Mini Hall is already Constructed with

- i) Setback Violations on all sides.
- ii) Parking Violation/off site Parking



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- iii) *Wet land NOC is not obtained from the district collector,*
- iv) *A plan marked channel is passing through the FMB/Village Map.*
- v) *Staircase Width violation*
- vi) *Corridor width Violation*
- vii) *Site is full of bushes/building materials / scaffolding etc. hence site dimensions could not be verified.*
- viii) *Site under reference was not clearly demarcated.*
- ix) *Details of existing structures as on site condition was not submitted.*
- x) *As on site dimensions do not tally with the site dimensions in the submitted plan.”*

8.After inspection and realizing that the game was up, R9 & R10 appear to have applied online for approval through a single window portal on 18.09.2025 and the application was rejected on 24.09.2025. The conclusion that the entire construction is unauthorized is this automatic.

9.R9 & R10 have made an appeal on 26.09.2025 to the Additional Chief Secretary to Government under Section 79 of the Town and Country Planning Act and the said appeal is pending.

10.As for the building approvals that have been obtained on various dates between 27.03.2023, 12.05.2023, 26.05.2023, 26.09.2023 and 27.03.2024, they are are nothing but an attempt to circumvent the applicable building norms and obtain piecemeal approval from the



Panchayat.

11. Admittedly the land in question require planning approvals from the Department of town planning in line with the extant statutes, Rules and Regulations. However, instead of doing this, R9 and R10 have deviously approached the Panchayat and secured approvals that are contrary to law and wholly inappropriate.

12. The intention of R9 & R10 to construct a single commercial complex is very clear both from the pictures as well as a sketch that has been produced before us. There is hence, no justification in the petitioner having sought approvals piecemeal, and that too from an authority, who is not competent to have considered or granted the same.

13. Seeing as the appeal for regularization is now pending before the appellate authority, let the same be considered. We have nothing more to say on this aspect of the matter. We make it clear that the entrance to the compound and building shall be secured by R4 in order to ensure that there is no further use of either the building or of the compound, either by the private respondent or by any others.

14. R4 will also look into the allegations that the land in question comprises wetland. R4 is permitted to seek police protection to



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ensure compliance with this order and the law enforcement authorities, upon production of this order will afford sufficient protection as directed.

This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
24.10.2025

NCC :Yes/No
Internet :Yes
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To

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