



W.P.(MD)No.20913 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.20913 of 2025

and

W.M.P.(MD)No.16184 of 2025

N.Sankaralingam

... Petitioner

Vs.

**1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai-600 009.**

**2.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tenkasi District.**

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned lock and seal order in Na.Ka.No.2927/2023/F1, dated 14.07.2025 issued by the 2nd respondent and the consequential impugned order in Na.Ka.No.2927/2023/F1, dated 23.07.2025 issued by the 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.M.Kannan,
for Mr.M.Purushothaman
For R1 : Mr.S.P.Maharajan,
Special Government Pleader
For R2 : Mr.P.Athimoolapandian
Standing Counsel

ORDER

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

The notices impugned dated 14.07.2025 and 23.07.2025 were issued by the 2nd respondent in consonance with the orders of this Court dated 05.06.2025 and 23.07.2024 made in W.P.(MD)No.15331 of 2025.

2.One Shanmugavel filed W.P.(MD)No.15331 of 2025, seeking removal of the unauthorized construction made by the petitioner at Ward-B, Block 19, Town Survey No.218, Door No.27/58, Arasoor Nangai Amman Kovil Street, Tenkasi, Tenkasi District. This Court has considered the facts and found that the Government has elaborately considered the issues by affording opportunity to all the parties, including the petitioner in a revision filed under Section 80A of the Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act').



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3.The revisional order of the Government dated 15.10.2024 clearly states about the deviations with respect to Tamil Nadu Combined Development and Building Rules, 2019. Since the unauthorized constructions are confirmed by the Government by way of elaborate adjudication, enforcement action initiated were continued. This Court has also reiterated that the enforcement actions initiated must be completed. The deviations identified by the authorities competent as confirmed by the Government are as under:-

Sl.No.	Planning parameters	As per approved plan	Available as on site	Deviations with respect to approved plan	As per TNCDBR 2019	Deviations with respect to TNCDBR, 2019
1	2	3	4	5	6	7
1.	35(1)(E)(i) Front Setback	1.52 M	0.0 M	1.52 M	1.50 M	1.50 M
2.	35(1)(E)(ii) Side Setback	1.75 M	0.60 M (due to staircase)	1.15 M	1.00 M	0.40 M
3.	Second Floor	0.0 M	11.11 Sq.M	11.11 Sq.M		Unauthorized Second Floor
4.	Site falls in HACA Area. HACA NOC Not obtained					



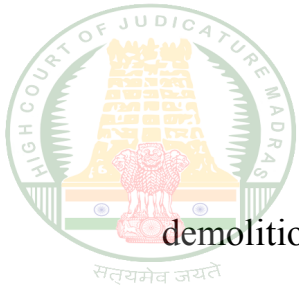
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4.The learned counsel appearing for the petitioner would submit that the petitioner himself has demolished the staircase. However, the learned Standing Counsel appearing for the 2nd respondent and the learned Special Government Pleader appearing for the 1st respondent would submit that remaining unauthorized portions of the construction are yet to be removed and therefore, the impugned notice has been issued to the petitioner for removal of the unauthorized construction in entirety as per the revisional order of the Government dated 15.10.2024 passed under Section 80A of the Act.

5.The learned counsel for the petitioner would submit that no further unauthorized constructions are left out, since the petitioner himself has demolished the staircase.

6.In view of the factual dispute, the 2nd respondent shall verify the correctness of the demolition made by the petitioner in accordance with the Government Order dated 15.10.2024, demolish the remaining unauthorized constructions, if any exist and restore the building as per building plan approval granted by the competent authority. The petitioner is directed to co-operate for



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demolition of unauthorized construction, if not already demolished as per the Government Order dated 15.10.2024 and in the event of any failure on the part of the petitioner, the 2nd respondent shall seek assistance of the jurisdictional police. The said exercise is directed to be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
30.07.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
2. The Commissioner,
Tenkasi Municipality,
Tenkasi, Tenkasi District.



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