

W.P.(MD)No.24942 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24942 of 2024

and

W.M.P(MD)No.21232 of 2024

1.K.Sabarinathan

2.A.Kalaiselvi

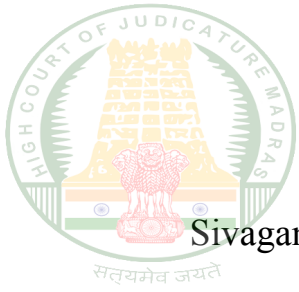
... Petitioners

Vs.

1.The Member Secretary,
Local Planning Authority,
Sivagangai,
District Town and Country Planning Office,
District Collectorate Campus,
Sivagangai-630 562.

2.The Deputy Director,
Town and Country Planning,
Sivagangai Division,
Sivagangai District,
Sivagangai.

3.The Executive Officer,
Kottaiyur Town Panchayat,
Kottaiyur,



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Sivagangai District.

4.The Executive Engineer,
Highways Department,
Tamil Nadu State Highways,
Sivagangai District,
Sivagangai.

5.Pethaperumal Chettiar

6.Thalapathy Vikram

7.Karthick

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to demolish the unauthorized construction put up by the respondents 5 to 7 in the front side of the stilt floor of the Krish enclave apartments situated at Plot No.3, Karaikudi Highways road, Trichy Mian Road, Sriram Nagar, Kottaiyur, Sivagangai District and further directing the fourth respondent to remove the encroachments made by the respondents 5 to 7 in the State Highways No.29, Arandhangi-Karaikudi Highway and thereby ensure free flow of vehicular traffic in the above road within a time frame fixed by this Court on the basis of the representation of the petitioner dated 14.09.2024.

For Petitioners : Mr.C.Nihil Nandha

For R1 to R4 : Mr.V.Om Prakash

Government Advocate

For R5 : Mr.Rm.Arun Swaminathan

For R6 & R7 : No appearance



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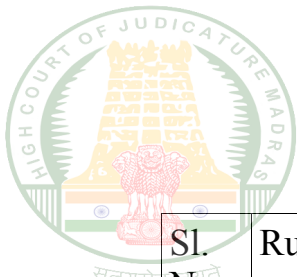
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ORDER

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

The relief sought for in the writ petition is to direct the respondents 1 to 3 to demolish the unauthorized construction put up by the respondents 5 to 7 in the front side of the stilt floor of the Krish enclave apartments situated at Plot No.3, Karaikudi Highways road, Trichy Mian Road, Sriram Nagar, Kottaiyur, Sivagangai District and further directing the fourth respondent to remove the encroachments made by the respondents 5 to 7 in the State Highways No.29, Arandhangi-Karaikudi Highway and thereby ensure free flow of vehicular traffic in the above road.

2. The Assistant Director of District Town and Country Planning, Sivagangai filed a counter affidavit stating that the survey was conducted. As per the report dated 07.11.2024 following violations have been found in the subject apartments as under:-



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Sl. No	Rule No.	Parametre	As per approved Drawing	Available	remarks
		Minimum Set Back			Violation
1.	35 Explanation-2(III)	Front back set	8.99 m	0.5m	94.4%
		Side 1 back set	3.60m	2.75m	23.6%
		Side 2 back set	3.97m	1.65m	58.4%
		Rear back set	3.80m	3.80m	satisfied

3. Thus, the unauthorized constructions made by the fifth respondent in violation of the building plan approval was identified by the competent authorities.

4. The learned counsel for the fifth respondent would submit that the National Highway Authorities have already initiated acquisition proceedings for development of National Highways project. Therefore, the shops identified as unauthorized constructions are closed.



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5. Be that as it may, in any event the authorities competent are empowered to remove the unauthorized constructions by following the procedures. Now, the authorities have already identified the unauthorized constructions. That apart, the National Highways also initiated actions for removal of unauthorized constructions since they have decided to develop the National Highways project. For all these reasons, the official respondents are directed to complete the enforcement action within a period of eight weeks from the date of receipt of a copy of this order.

6. With this directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (A.D.M.C., J.)
04.08.2025

NCC : Yes / No
Index : Yes / No

am

5/7



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