



W.P.(MD)No.31952 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2025**

CORAM:

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

W.P.(MD)No.31952 of 2025
& WMP(MD)Nos.25138, 25139 & 25140 of 2025

1.B.Balamurugan
2.Indhumathi ... Petitioners

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort. St. George, Chennai.

2. The Commissioner,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 020.

3. The Assistant Commissioner,
Zone -2 (North),
Race Course Road,
Madurai - 625 020.

4. The City Town Planning Officer,
Madurai Municipal Corporation,
Arignar Anna Maligai,
Madurai - 625 020.

... Respondents

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned notice issued by the 3rd respondent in Na.Ka. No.M2u2/3506/2025, dated 27.10.2025 and quash the same and consequently forbear the respondents to lock and seal the petitioner's property situated in S.No.204/1, Re.S.No.204/1B, measuring about 3,030 square feet, Patta No.1441, situated at Puthu Vilangudi Village, Union Bank Colony, 5th Street, Madurai Corporation, New Ward - 23, Madurai till the disposal of the appeal pending before the 1st respondent.

For Petitioners : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.P.Maharajan (R1)

Special Government Pleader

Mr.S.Vinayak (R2 to R4)

Standing Counsel

ORDER

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

WMP (MD) No.25138 of 2025 filed seeking to file a single Writ Petition is ordered on payment of separate Court fee.

2. The petitioners are aggrieved by a notice issued by the Assistant Commissioner of Municipal Corporation, Madurai, dated

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27.10.2025 and seek a certiorarified mandamus, quashing the same.

They also seek a consequential direction to the respondents not to lock and seal the property at S.No.204/1, Re.S.No.204/1B, measuring about 3,030 square feet, Patta No.1441, situated at Puthu Vilangudi Village, Union Bank Colony, 5th Street, Madurai Corporation, New Ward - 23, Madurai ('property' / 'property in question')

3. The petitioners are admittedly in receipt of notice dated 18.07.2025 calling for compliance of planning permission in respect of alleged unauthorised development. That notice, which has been produced by the petitioners, has admittedly been received by them. The following deviations were noticed:-

'1.Ground Floor was constructed to an extent of 210 sqm instead of approved area of 119.02 sqm

2.First floor was constructed to an extent of 210 sqm instead of approved area of 119.02 sqm

3.Set backs were not provided as per approved plan

4.Parking space not provided as per approved plan'

4. Despite the same, the petitioners do not appear to have approached the authorities either seeking a clarification, or objecting to the notice. The aforesaid notice was issued pursuant to the inspection

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carried out on the same day, when the aforesaid alleged violations had been detected.

5. WP(MD)No.17986 of 2025 was filed by one R.Mayilsamy, seeking a mandamus, directing the official respondents to lock and seal the property in question in light of the building violations. The first petitioner was arrayed as R6 in that writ petition, which came to be disposed on 04.08.2025.

6. In that order, the Bench notes that the Corporation had conducted a survey and identified building violations and hence, enforcement action was liable to be initiated. The proceedings had been duly initiated on 18.07.2025 and the first petitioner was given liberty to submit his explanation along with documents within 10 days from that date, ie., 04.08.2025.

7. The reference to Section 135(4) of the Tamil Nadu Urban Local Bodies Act, 1998, at para 3 of the order dated 04.08.2025, appears to an inadvertent error, as that notice produced by the petitioners before us, has been issued under the Tamil Nadu Town and Country Planning Act, 1971 ('Act').



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8. Be that as it may, despite the Court granting the petitioners 10 days to file their reply, the petitioners have not bothered to respond. The period of 10 days hence passed, without any response by the petitioners, leading to issuance of notice on 17.09.2025 by the authorities granting further period of 10 days time. To this also, there was no response.

9. It is in the aforesaid circumstances that the impugned order under Section 56 (2) of the Act calling for discontinuance of the use of the land or building, came to be issued. The petitioners have placed in the typeset a representation dated 09.10.2025, without any acknowledgement thereof, which the Madurai Corporation disavows.

10. We agree that the document might have been placed on file to appear as though there had been response to the notices.

11. The primary contention of Mr.V.R.Shanmuganathan, learned counsel for petitioners, is that the petitioners have challenged the impugned lock and seal order by way of revision under Section 80A of the Act Act before the District Collector, along with an application for stay, and hence, no coercive action may be taken till the appeal is



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disposed of. He would also point out that no forms / other notices have been issued, prior to passing of the impugned lock and seal order.

12. Per contra, Mr.S.P.Maharajan, learned Special Government Pleader and Mr.S.Vinayak, learned standing counsel for the respondents would point out that sufficient notices and opportunities have been granted to the petitioners and the impugned order has been issued, only thereafter. Hence, there is no necessity for any further laxity to be extended to the petitioners.

13. We have heard all learned counsels.

14. The inspection conducted on 18.07.2025 and the notices issued on the same date chronicling the alleged deviations / violations in the subject property are not in dispute. It is also admitted that the petitioners have not tendered any explanation thereto.

15. It is only on the institution of WP(MD)No.17986 of 2025 by R.Mayilsamy, that the violations came to the fore, and this Court granted 10 days to the petitioners to make their response, which opportunity also, they did not avail. Hence, it is too late in the day and also incorrect for the petitioners to state that no opportunity had been



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granted by the authorities.

16. That apart, on a combined reading of Sections 56, 57 and 58 of the Act, and the Tamil Nadu Town and Country Planning (removal of Unauthorised Development) Rules 2022, the scheme for addressing building violations is clear. The rules provide for a notice of inspection, the conduct of inspection, a notice subsequent to inspection, if there violations were found, notice calling for removal of encroachments and thereafter, notice of lock and seal.

17. In the present case, it is very clear that the procedure set out has been followed to a T by the authorities. Hence, there is no legal flaw in the issuance of the impugned order calling for discontinuance of use of the property in question. The petitioners have also challenged the same by way of statutory revision along with stay application.

18. In such circumstances, we find absolutely no justification to intervene. At best and since the petitioners have filed applications for stay, the authorities are directed to consider the same, hear the petitioners and pass orders disposing the stay applications, one way or the other, within a period of four weeks today, in accordance with law.



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19. For this purpose, the petitioners will appear before the authorities on **13.11.2025** at **12.00 p.m.**, without anticipating any further notice. The convenience of the revisional authority / R1 has also ascertained. The petitioners shall be granted audience and the stay application be disposed on or before 12.12.2025. Till such time or till disposal of the stay application whichever is earlier, no coercive proceedings shall be taken.

20. This writ petition stands disposed in terms of this order.
No costs. Connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
10.11.2025

NCC :Yes/No
Index :Yes/No
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