



W.P.(MD)No.32476 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2025**

CORAM:

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

W.P.(MD)No.32476 of 2025

Ravichandran

... Petitioner

Vs.

1.The Director of Municipal Administration,  
Directorate of Municipal Administration,  
Koyambedu,  
Chennai-600 107.

2.The Assistant Director,  
District Town Planning Office,  
Virudhunagar District.

3.The Commissioner,  
Srivilliputtur Municipality,  
Virudhunagar District.

4.H.Kumar

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent herein to dispose the appeal dated 08.02.2025 filed under Section

1/6



W.P.(MD)No.32476 of 2025

133(10) of the Tamil Nadu Urban Local Bodies Act, 1998 within the stipulated time, which this Court may deem fit and proper.

For Petitioner : Mr.D.Muthupandi  
For Respondents : Mr.S.P.Maharajan (R1 & R2)  
Special Government Pleader  
Mr.J.Parekhkumar (R3)

### **ORDER**

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

This matter has a checkered history. WP(MD)No.23347 of 2024 came to be instituted in public interest by Kumar and Anbarasan seeking a mandamus directing the official respondents to demolish the unauthorised construction put up by R6 in that writ petition, the present petitioner in S.No.607 and 608, Santhaipettai Street, Srivilliputhur Town.

2. That writ petition came to be disposed recording the submissions of the standing counsel, who appeared on behalf of the Commissioner Municipality, Srivilliputhur, that the construction was indeed unauthorised. R3 therein had also confirmed that the application



W.P.(MD)No.32476 of 2025

for planning permission made by the petitioner had been returned and the re-submitted application had also been rejected, since there was no setback. Hence, the Commissioner, Srivilliputhur had been directed to take action to remove the unauthorised construction within eight weeks from the date of receipt of a copy of the order.

3. Thereafter, the Commissioner, Srivilliputhur passed an order rejecting the building plan application and that order dated 30.10.2024 again came to be challenged in WP(MD)No.27275 of 2024 at the instance of the present petitioner. That writ petition came to be closed recording the submission of the petitioner that an appeal will be filed before the appellate Authority under Section 133 (10) of the Tamil Nadu Urban Local Bodies Act, 1998, ('Act') within 30 days from date of receipt of a copy that order.

4. The petitioner appears to have instituted an appeal, however before the wrong appellate authority.

5. Section 133(10) of the Act reads as follows:-

*“133.Permission to construct or [reconstruct or demolish] building-*

*.....*

*(10) Any person objecting to an order passed by*



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W.P.(MD)No.32476 of 2025

*the Commissioner under sub-section (6) or the Member Secretary of the Chennai Metropolitan Development Authority or the Director of Town and Country Planning, as the case may be, under sub-section (9) may, within a period of forty-five days from the date of receipt of the order prefer an appeal to the Government in such form and shall be accompanied by such fee as may be prescribed:*

*Provided that the Government may, admit an appeal preferred after the expiration of such period, if they are satisfied that the petitioner had sufficient cause for not preferring the appeal in time.*

*Explanation.- For the purpose of this sub-section and sub-section (11), "Government" means the Government in Housing and Urban Development Department. "*

6. Proper appellate authority as far as the order under Section 133(6) of the Act passed by the Commissioner would hence be the Secretary of the Housing and Urban Development Department as explained under Section 133 (10) of the Act. Hence, the appeal filed by the petitioner is itself not maintainable.

7. The prayer of the present writ petition is for a mandamus directing the appeal filed before the Director of Town and Country Planning to dispose the appeal.

8. As the appeal has been filed before the wrong authority, the question of issuing mandamus does not arise.

9. Parallely, the petitioners in WP(MD)No.23347 of 2024,



W.P.(MD)No.32476 of 2025

namely, Kumar and Anbarasan have moved a contempt petition in Cont.P. (MD)No.3066 of 2025 seeking implementation of the directions under the order passed in WP(MD)No.23347 of 2024.

10. In light of the aforesaid narration, there is no avenue to consider mandamus as sought for and this writ petition is dismissed. No costs.

**[A.S.M.J.] & [C.K.J.]**  
**13.11.2025**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes  
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To

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W.P.(MD)No.32476 of 2025

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W.P.(MD)No.32476 of 2025

13.11.2025