



WEB COPY



W.P. No.15041 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,  
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.15041 of 2026  
and W.M.P.No.16243 of 2026

1.B.Dinesh Subramaniam,  
S/o.M.Balasubramaniam,

2.Subbulakmi,  
W/o.Late.Balasubramaniam,  
Both are residing at  
No.2/201, 11<sup>th</sup> Cross Shivaya Nagar,  
New Fairlands, Salem - 636 016.

.. Petitioner(s)

Vs

1.The Member Secretary,  
Directorate of Town and Country Planning (DTCP),  
District Town and Country Planning,  
Salem Local Planning Authority,  
Salem District.

2.The Salem District Collector,  
Salem Collectorate,  
Salem - 636 001.

3.The Commissioner,  
Corporation of Salem,  
Salem - 636 001.



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4.The Tahsildar,  
Salem West,  
Suramangalam, Salem - 636 005.

5.The Commissioner of Police,  
Salem City, Salem - 636 006.

6.The Inspector of Police,  
Suramangalam Police Station,  
Salem - 636 005.

7.The Assistant Engineer,  
Sivadapuram TNEB,  
SK Road, Sivadapuram Post,  
Salem - 636 007.

8.Visweswaran,  
S/o.Ganamoorthy,  
No.136, Sivayanagar,  
Alagapuram, Salem - 636 004.

9.V.Sangeetha,  
W/o.Visweswaran,  
No.136, Sivayanagar,  
Alagapuram, Salem - 636 004.

10.Shanmughapriya,  
W/o.Late Jayaraj Kumar,  
No.128 A, Siddhar Kovil Main Road,  
Kandampatty, Salem - 636 005.

11.G.Vennila,  
W/o.Late Gnanamoorthy,  
No.128 A, Siddhar Kovil Main Road,  
Kandampatty, Salem - 636 005.

.. Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents 1 to 4 to remove the unauthorized and illegal constructions made by the



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respondents 8 to 11 at Door Nos.128/1/2, 128/1/9, 128/1/11, 128/1/12, Siddhar Kovil Main Road, Kanthampatty Village, comprised in Survey Field No.12/2, Old Survey No.104 Part and Survey Field No.18/13, Old Survey No.101 Part, Block No.13, Ward T - Kandampatty-Pallapatti, Salem West Taluk, Salem District, Salem - 636 005, within the limit of Corporation of Salem.

For Petitioner(s): Mr.K.S.Viswanathan  
Senior Counsel  
for Mr.S.Sathyaraj

For Respondent(s): Mr.M.Habeeb Rahman  
Government Advocate  
for R1, R2, R4 and R7

Mrs.N.Devi  
Standing Counsel for R3

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

The writ petition is filed seeking to direct the respondents 1 to 4, to remove the unauthorized and illegal constructions, put up by respondents 8 to 11 at Siddhar Kovil Main Road, Kanthampatty Village, Salem District.

2. It is the case of the petitioners that they own the land and building adjacent to the property of the 8<sup>th</sup> respondent. A 25 feet wide road has been earmarked, providing ingress and egress to their property. The 2<sup>nd</sup> petitioner has constructed a building and is in



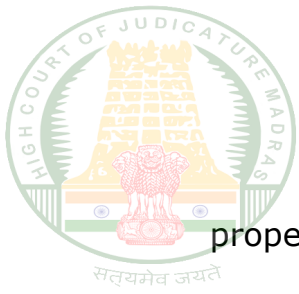
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enjoyment of the property. While so, the 8<sup>th</sup> respondent also constructed a building on the western side of the road and further constructed godowns on the eastern side, without leaving proper space, and are carrying out loading/unloading activities on the road causing nuisance and obstructions to the petitioners. The constructions put up by the 8<sup>th</sup> respondent are fully unauthorized. The petitioners sent complaint to the concerned authorities for taking action against the unauthorized construction, but it evoked no response.

3. The learned Senior Counsel appearing for the petitioners contended that though there are several disputes between the petitioners and the private respondents, when the 8<sup>th</sup> respondent has put up unauthorized construction, then it is mandatory on the part of the planning authorities to take enforcement action against the constructions made in violation to the relevant Act and Rules.

4. Heard the submissions and considered the materials available on record.

5. It is the case of the petitioners that a 25 feet wide road has been earmarked, providing ingress and egress to the 2<sup>nd</sup> petitioner's



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property. While the 8<sup>th</sup> respondent has constructed the building and godowns, loading and unloading activities are carried out in that road, thereby creating nuisance. In this regard, there have been several complaints and proceedings initiated against each other.

6. It is to be noted that atleast 3 civil suits are pending between the petitioners and the private respondents. The 8<sup>th</sup> respondent had filed a suit in O.S.No.37 of 2023 on the file of the District Munsif Court, Salem, as against the 2<sup>nd</sup> petitioner seeking for permanent injunction restraining the 2<sup>nd</sup> petitioner in preventing the 8<sup>th</sup> respondent from using 25 feet road. The 2<sup>nd</sup> petitioner had also filed a suit in O.S.No.574 of 2023 on the file of District Munsif Court, Salem, seeking for permanent injunction restraining the 8<sup>th</sup> respondent from parking the vehicles, carrying out loading and unloading activity on the road.

7. Not stopping with that, based on the complaints lodged by the petitioners and the 8<sup>th</sup> respondent, FIR in Crime No.856 of 2023 came to be registered against the 8<sup>th</sup> respondent and FIR in Crime No.857 of 2023 has been registered against the 1<sup>st</sup> petitioner on the file of Suramangalam Police Station, Salem.



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8. Apart from the above, the 8<sup>th</sup> respondent had also filed a separate suit in O.S.No.88 of 2026 against the petitioners and others seeking for partition and also questioning the sale deed executed in favour of the petitioners. As such, as on date, there is also a title dispute between the parties.

9. When such being the position, admittedly where the rival claims of the parties are *sub judice* before the Civil Court, the petitioners had come up with the present petition seeking to take action against the alleged illegal and unauthorized construction. Unless the issue is decided by the Civil Court, no relief as sought for by the petitioners could be granted at the instance of the petitioners.

10. In such circumstances, we find no merit and accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)  
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Index : Yes/No  
Neutral Citation : Yes/No  
sri



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