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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 45119 of 2026

CNR: {HCMA012658422026}

Mala @ C.Malathi

Case QR

..Petitioner(s)

Vs

1. The Secretary To Government
   Municipal Administration and Water Supply
   Department,
   Fort St.George,
   Chennai 09

2. The commissioner
   Avadi Municipal corporation,
   Avadi,
   Tiruvallur district

3. The Tahsildar
   Avadi Taluk
   Avadi
   Tiruvallur District

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the 1st respondent to consider and pass orders on merits by disposing the application made u/s. 80-A of Tamil Nadu Town and Country Planning Act submitted by the petitioner on 27.10.2026 within a stipulated time.

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For Petitioner(s): Mr.C.Prakasam

For Respondent(s): Mr.K.Surender
Special Government Pleader For R 1,3
Mr.RA.Gopinath
Standing Counsel For R -2

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Writ of Mandamus has been instituted to direct the first respondent to consider and pass orders on the appeal made by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act on 27.10.2026.

2. Curiously, petitioner filed an appeal under Section 80-A of the Tamil Nadu Town and Country Planning Act on 27.10.2026 and filed the present writ petition within a period of 4 days i.e., on 02.11.2026. Dealing with an appeal under Section 80-A of the Act requires some time for the Government to conduct an enquiry by affording opportunity to the parties and pass an order. Without even waiting for the Government to entertain the appeal, present writ petition is filed, which cannot be appreciated by this Court.

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3. If at all any interim order is required, sub-section (3) to Section 80-A contemplates that authority competent may pass an interim order. Instead of approaching the Government for any such interim order, the present writ petition has been instituted. That apart, in the present case, enforcement actions have been initiated under the provisions of the Tamil Nadu Urban Local Bodies Act.

4. Learned Standing Counsel for Avadi Corporation would submit that four notices were issued on the earlier occasions. This Court already directed the authorities to remove the encroachments. In pursuance of the orders of this Court, enforcement actions were initiated and sufficient opportunities were afforded to the encroachers. Final notice was issued on 22.10.2026 under Section 128(1)(b) & (2) of the Tamil Nadu Urban Local Bodies Act. Against the said proceedings issued under the Urban Local Bodies Act, no appeal would lie under Section 80-A of the Town and Country Planning Act. Therefore, appeal preferred by the petitioner under Section 80-A of the Town and Country Planning Act before the Government is not entertainable. The enforcement action initiated under the Urban Local Bodies Act became final.

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5. Learned Standing Counsel for Avadi Corporation and the learned Special Government Pleader would submit that enforcement action has already been commenced, and commercial establishment constructed by the petitioner have been removed.

6. In view of the fact that encroachments have already been removed and authorities have taken possession of the Government public property, they are expected to protect the same and utilize the same for public purposes in the manner known to law. As far as the present writ petition is concerned, petitioner has erroneously preferred an appeal under Section 80-A and more so, filed the present writ petition within a period of four days from the date of filing of the appeal seeking a prayer to dispose of the said appeal.

7. For all these reasons, the writ petition stands dismissed with a cost of Rs. 5,000/- in favour of Tamil Nadu Advocate Clerks' Association, Indian Bank, High Court Branch, Account No. 484026006, IFSC Code: IDIB000M157 on or before 12.11.2026. Consequently, the connected miscellaneous petitions, if any, are closed.

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8. Post the matter for reporting compliance on 13.11.2026.

(S.M.S.,J.) (R.R.V.,J.)
03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

Copy to

The Secretary,
Tamil Nadu Advocate Clerks' Association,
Madras High Court.

To

1. The Secretary To Government
   Municipal Administration and Water Supply
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   Fort St.George,
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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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