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W.P.(MD) No.232 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.232 of 2026
and
W.M.P.(MD) No.245 of 2026**

M.Kanthimathinathan

... Petitioner

-VS-

1.The Director, The Directorate of
Town and Country Planning
Second, Third and Fourth Floor
CMDA Complex, E & C Market Road
Koyambedu, Chennai-600 107

2.The Commissioner
Thoothukudi Corporation
113, Palayamkottai Road
Thoothukudi-628 002

3.The Executive Engineer
Thoothukudi Corporation
West Zone, Millerpuram
Thoothukudi-628 008

4.M.Devika

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.C5/0232/2025 dated 26.12.2025, quash the same and consequently permit the petitioner to use the defects rectified building in Door No.45, 3rd Mile Puthukudi II, Thoothukudi as per the order of this Court W.P.(MD)No.3395 of 2025 dated 05.02.2025 on petition of the petitioner dated 27.10.2025.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1
Mr.N.Anandakumar for R2 & R3
Mr.G.Anto Prince for R4

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

The petitioner herein, being aggrieved by the order dated 26.12.2025, passed by the Commissioner, Thoothukudi Corporation / second respondent, is before this Court seeking to quash the same.



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2. Earlier, the petitioner approached this Court by filing a writ petition in W.P.(MD) No.3395 of 2025 seeking a direction to the official respondents to consider his representation dated 16.12.2024 seeking not to demolish the unauthorized construction in the subject property, when a demolition notice was issued to him on 12.12.2024 under Sections 134, 135(1) and 180 of the Tamil Nadu Urban and Local Bodies Act, 1998. This Court, by an order dated 05.02.2025 disposed of the said writ petition by directing the authorities concerned to consider the petitioner's representation and pass appropriate orders before proceeding with the action of removal of the unauthorized construction made by the petitioner in the subject property, after giving an opportunity to the petitioner to rectify the defects and deviations pointed out in the demolition notice. Thereafter, it appears that one Devika / fourth respondent herein filed a writ petition before this Court in W.P.(MD) No.22571 of 2025 seeking a direction to the respondent – Corporation, to conclude the enquiry proceedings initiated under the demolition notice dated 12.12.2024 as per the orders passed by this Court, dated 05.02.2025, in W.P.(MD) No.3395 of 2023. This Court, by an order dated 25.08.2025 disposed of the said writ petition by directing the Municipal Authorities to act upon the final order dated 20.08.2025 passed by the



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respondent – Corporation regarding removal of the unauthorized construction made by the petitioner herein in the subject property and twelve weeks time was granted to complete the said exercise. As a consequence thereof, the present impugned proceedings, dated 26.12.2025, came to be issued by the Commissioner, Thoothukudi Corporation and challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the building is 100 years old and it is not in violation of any Building Rules. Just because the fourth respondent / Devika, who happens to be a sister of the petitioner herein, made some objections, the respondent – Municipality is taking coercive steps against the petitioner.

4. Learned counsel appearing for the respondent – Corporation would submit that in the unauthorized construction put up by the petitioner herein, he is running a Cafeteria and due to the Court's intervention, the removal of unauthorised construction is being delayed in order to give an opportunity to the petitioner herein to rectify the defects and deviations pointed out in the demolition notice. However, the petitioner has not rectified



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the defects and the deviations, despite sufficient time was granted to him. Hence, the fourth respondent filed a writ petition in W.P.(MD) No.22571 of 2025 seeking a direction to the respondent – Corporation for enforcement of the demolition notice issued by them and pursuant to the order dated 25.08.2025, passed by this Court in the said writ petition, the impugned proceedings has been issued.

5. Further, it is submitted by the learned counsel for the respondent - Corporation that the petitioner filed another writ petition in W.P. (MD) No.23797 of 2025 seeking to quash the demolition order dated 26.08.2025 passed by the respondent – Corporation and the said writ petition was dismissed by this Court by an order dated 02.09.2025. Therefore, by filing writ petitions repeatedly, the unauthorized construction made by the petitioner in the subject property could not be removed and the order of this Court, dated 25.08.2025, passed in W.P.(MD) No.22571 of 2025 could not be implemented in view of the constant interference by the petitioner herein.

6. Taking into consideration the above submissions, this Court is of the view that the petitioner has been approaching this Court repeatedly by



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filing writ petitions one after another and despite sufficient time has been granted to the petitioner, he has not rectified the defects and deviations pointed out in the demolition notice. In such circumstances, this Court finds no merit in this writ petition and the writ petition is, therefore, liable to be dismissed.

7. Accordingly, this writ petition is dismissed. The respondent – Corporation shall implement the order dated 25.08.2025, passed by this Court in W.P.(MD) No.22571 of 2025, by removing the unauthorized construction, if any, made by the petitioner herein in the subject property. No costs. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[K.K.R.K., J.]

07.01.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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