



W.P.(MD) No.3289 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **05.02.2026**

CORAM:

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

W.P.(MD) No.3289 of 2026
and
W.M.P.(MD) Nos.2720 & 2721 of 2026

P.Chellaperumal

... Petitioner

Vs

1. The Commissioner,
Sathur Municipality,
Virudhunagar District.

2. K.Sundarapandian

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records from the office of the first respondent pertaining to the impugned order in Na.Ka. No. 0180/2023/F1 dated 19.01.2026 and quash the same.

For Petitioner	: Mr. K.K.Udayakumar
For R1	: Mr.M.Kannan, Standing Counsel
For R2	: Mr.M.Mahaboob Athiff



W.P.(MD) No.3289 of 2026

ORDER

WEB COPY (Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

The petitioner/community herein, being aggrieved by the notice issued by the first respondent dated 19.01.2026, is before this Court seeking a Writ of Certiorari to quash the said notice. The impugned notice is issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, directing the petitioner/community to remove the unauthorised structure of an extent of 2.4 m x 9.0 m (21.60 sq.mt) put up encroaching upon the public street and without planning permission.

2. The learned counsel appearing for the petitioner/community submitted that the structure now sought to be removed is a 100 years old temple under the control of the petitioner/community. At the instance of the second respondent, who has made a complaint about the unauthorised structure and encroachment, the impugned order has been passed and the petitioner apprehends that if the impugned order is given effect, the 100 years old Vinayagar Temple is likely to be demolished.



W.P.(MD) No.3289 of 2026

3. In the affidavit filed in the writ petition, the petitioner has narrated the earlier proceedings in respect of the said disputed structure and the nature of the land upon which the structure is put up.

4. The learned counsel appearing for the second respondent submitted that this case has a long, checkered history and this is the fourth round of litigation by the petitioner herein to justify the unauthorised construction of the building encroaching upon the public street and on the guise of religious sentiment, he is trying to continue the illegal occupation.

5. The learned Standing Counsel appearing for the first respondent submitted that the petitioner herein, pursuant to the direction and liberty given by the Division Bench of this Court on 31.07.2023 in W.P.(MD) No.18408 of 2023, invoking Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971, made a representation for regularization of the construction, which was rejected at all levels. Ultimately, the revision preferred by them before the Government was also considered and the proceedings by the Additional Secretary (Technical) of the Housing Urban Development Department, were



W.P.(MD) No.3289 of 2026

passed on 23.01.2024, wherein the revision petition was disposed of with following observations:

"Considering all the above facts and submissions made, the Government hereby grant three months time to the revision petitioner for obtaining Planning Permission from the competent authority. Since the temple is in existence for more than 100 years as stated by the officials, obtaining NOC from District Collector for religious building will not arise. The revision petitioner is directed to submit the application and obtain the Planning Permission for the building within three months time failing which, LPA/Municipality shall take necessary action as per the provisions in TNT&CP Act 1971. Till such time there shall be a stay on the notice dated 05.05.2023 and all other proceedings of Sattur Municipality issued in respect of petitioner premises. On expiry of the sald period of three months time, the Local Planning Authority/Municipality is directed to monitor and shall proceed further action, if the petitioner failed to comply with the orders within the time specified."

6. Thereafter, another writ petition was filed by the second respondent herein in W.P.(MD) No.19347 of 2025, which was disposed of by this Court on 28.08.2025 with the following observations:



W.P.(MD) No.3289 of 2026

WEB COPY

"8.As far as the new construction adjacent to the temple by encroaching upon the public road is concerned, the Government also made a finding by confirming the said position made by the 3rd respondent. Therefore, there is no impediment for the authorities competent to remove the unauthorized construction newly made adjacent to the temple by encroaching upon the public road. The said portion newly constructed without obtaining planning permission and wholly unauthorized alone is to be removed by the authorities competent without causing any damage to the existing 100 year old Vinayagar Temple.

9.Therefore, the 2nd respondent is directed to remove the unauthorized construction to the extent as stated above, within a period of six (6) weeks from the date of receipt of a copy of this order."

7. While so, under the said circumstances, the present impugned notice was issued under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, r/w the direction of the High Court passed in W.P.(MD) No.19347 of 2025 dated 28.08.2025. It is also brought to the notice of this Court that the present writ petitioner, being aggrieved by the order passed by this Court in W.P.(MD) No.19347 of 2025 dated 28.08.2025, preferred S.L.P.(C) Diary No.57133 of 2025 before the



W.P.(MD) No.3289 of 2026

Hon'ble Supreme Court and the same was dismissed *vide* order dated 14.11.2025. Thus, it is very obvious from the proceedings of this Court and the proceedings of the revenue officials that the structure now sought to be removed under the impugned order is an unauthorised construction encroaching upon the public street. The writ petitioner, who earlier sought relief by preferring appeal, filed revision to the authorities, which has been declined with observations which we extracted above in para No.5.

8. When we enquire the learned counsel appearing for the petitioner whether any application for planning permission for the building is submitted within three months as stated by the Government in his proceedings dated 23.01.2024, the learned counsel would submit that they sought regularization even prior to that. This is not an answer for the query we put to the learned counsel for the petitioner.

9. The learned Standing Counsel for the first respondent/Municipality supplementing his argument submitted that the petitioner made an application for permission for post-ratification for the building through online and the same was rejected. We also find that in



W.P.(MD) No.3289 of 2026

the earlier round of litigation in W.P.(MD) No.19347 of 2025, the Division Bench of this Court in its order dated 28.08.2025 had made a reference about the application filed by the petitioner herein for regularization of the unauthorised construction and the same is being rejected. While so, the structure now sought to be removed under the impugned order is not a 100 years old structure which is protected by the order of this Court in the earlier round of litigation and it is not a structure put up after due permission from the concerned authority. Further, it is also submitted that the structure encroaches upon the public street.

10. In view of the said fact, we are not inclined to interfere with the impugned order dated 19.01.2026. We direct the respondents to ensure that only the new structure which is violated and identified for removal in the earlier round of litigation needs to be removed and if the petitioner/community come forward to remove the unauthorised structure by themselves and shift the materials on their own, reasonable time may be granted to them and such time should not exceed more than fifteen (15) days.



W.P.(MD) No.3289 of 2026

11. With these observations, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
05.02.2026

apd

To

The Commissioner,
Sathur Municipality,
Virudhunagar District.



WEB COPY



W.P.(MD) No.3289 of 2026

DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

apd

W.P.(MD) No.3289 of 2026

05.02.2026