



WEB COPY

W.P.(MD) No.4553 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2026

CORAM:

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

**W.P.(MD) No.4553 of 2026
and
W.M.P.(MD) No.3820 of 2026**

M/s.Vishaal Promoters (P) Ltd.,
rep.by its Chairman Mr.R.Ilankovan
Vishal De mall
No.31, Gokhale Road
Chokikulam
Madurai-625 002

... Petitioner

-vs-

- 1.The District Collector
Madurai
- 2.The Commissioner
Madurai Corporation
Madurai
- 3.The Executive Engineer
Public Works Department
Madurai

... Respondents



WEB COPY

W.P.(MD) No.4553 of 2026

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order vide Notice No.Mathi E3/10243/2025 dated 05.02.2026, issued under Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 by the 2nd respondent and quash the same pass orders on its merits in accordance with law.

For Petitioner : Mrs.N.Krishnaveni, Senior Counsel
assisted by Mr.P.Thiyagarajan

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader for R1 & R3
Ms.S.Devasena for R2

ORDER

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

This writ petition is filed challenging the Form IV notice, dated 05.02.2026, issued by the second respondent.

2. The impugned notice reads as below:

“FORM IV

NOTICE FOR COMPLIANCE OF PLANNING PERMISSION IN
RESPECT OF UNAUTHORISED DEVELOPMENT CARRIED
OUT IN CONTRAVENTION OF PLANNING PERMISSION



WEB COPY



W.P.(MD) No.4553 of 2026

U/s.5(b) of Tamilnadu Town and Country Planning_
(Removal of Unauthorised development) Rules 2022

Notice No.Mathi E3/ 10243/2025

Date : 05.02.2026

Subject : *Unauthorised Development at Vishall Demall,
D.No.31, Gokhala Road, Chinna Chokkikulam
– Notice under section 56(1) of the Tamilnadu
Town and Country Planning Act, 1971 (Tamil
Nadu Act 35 of 1972) – Issued – Reg.*

Reference : *1.This Office notice even number in from -I dt.*

23.07.2025

2.This Office notice even number in from -II dt.

14.08.2025

*3.This Office permission number NE4/ 13709/
2009, Dated:20.12.2009.*

*Pursuant to the Notice second cited, inspection was
carried out and it is found that an development of building
has been carried out in the premises at Vishall Demall,
D.No.31, Gokhala Road, Chinna Chokkikulam, Madurai, in
contravention of permission granted. The following
deviations from the Planning permission are found,
namely:-*



WEB COPY



W.P.(MD) No.4553 of 2026

1. *No Planning Permission for Basement floor I, Basement floor II, Ground floor, first floor, Second floor, Third floor, fourth floor.*
2. *Permission was granted to construct five permanent theaters in fifth and sixth floor.*
3. *Side set back in right side was provided 3.7m instead of 4.5m.*
4. *Side set back in right side was provided 4.2m instead of 4.5m.*
5. *In front set back two staircases was constructed in the size of 8.5mX7.3m.*

You are hereby required to secure compliance with the permission by demolishing/altering the building within 30 days from the date of receipt of this notice.

If the compliance of the permission has not been secured within the specified period, appropriate action will be taken under sub-section (5) of section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for demolition or alternation of any building or works or carrying out of any building or other operation as it may consider necessary, without any further notice.



WEB COPY



W.P.(MD) No.4553 of 2026

You are also requested to discontinue the use of the building within 30 days from the date of receipt of this notice.

If the owner or occupier has not discontinued the use of building within the specified period, appropriate action under sub-Section (2-A) of section 56 of the said Act will initiated by locking and sealing of the subject premises.

*Commissioner
Madurai Corporation*

*To : M/s.Vishall Promoters (P) Ltd.
VISHAAL DEMALL,
D.No.31, Gokhala Road,
hinna Chokkikulam, Madurai."*

3. A perusal of the impugned notice shows that the petitioner is granted thirty days time from the date of receipt of the said notice to rectify the above defects and to secure compliance with the permission by demolishing / altering the building. However, instead of complying with the impugned notice, the petitioner has filed this writ petition stating that there is no violation of the planning permission already granted in the building. We



W.P.(MD) No.4553 of 2026

WEB COPY

are of the view that it is for the petitioner to place all the records before the authority concerned to show that the existing building is not in violation of the planning permission already granted. Court cannot look into those facts to interfere with the impugned notice, which was issued by the second respondent on a *prima facie* satisfaction and deviation from the planning permission already granted. Hence, we are not inclined to entertain this writ petition.

4. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[G.J., J.]

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

18.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.The District Collector,
Madurai.

2.The Executive Engineer,
Public Works Department,
Madurai.

Page 6 of 7



WEB COPY



W.P.(MD) No.4553 of 2026

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

krk

W.P.(MD) No.4553 of 2026
and
W.M.P.(MD) No.3820 of 2026

18.02.2026