



**W.P(MD)No.5366 of 2026**

**WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.04.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR  
and  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.5366 of 2026**

**and**

**W.M.P(MD)Nos.4486, 4487, 4488 & 4489 of 2026**

1.Gandhimathi Selvan  
2.Brito Bright Singh  
3.Hemalatha

... Petitioners

vs.

1.The Additional Secretary (Technical),  
House and Urban Development Department,  
Secretariat,  
Chennai - 09.

2.The Director of Town and Country Planning,  
3<sup>rd</sup> Floor, CMDA Campus,  
E and C Market Road,  
Koyambedu,  
Chennai - 600 107.



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3.The Assistant Director,  
District Town and Country Planning Office,  
Kanyakumari District.

4.The Executive Officer,  
Kallukootam Town Panchayat,  
Kallukootam, Kanyakumari District.

5.K.Sunil (Parish Priest),  
Our Lady of Fathima Church,  
Kallukootam, Kallukootam Post,  
Kanyakumari District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter No.12361808/UD-5(1)/2025-3 of the first respondent dated 12.02.2026 and quash the same and consequently directing the official respondents to demolish the unauthorized construction made by the fifth respondent deviating from original building plan approval in ROC.No.SWP/BPA/393253/2024 dated 28.11.2024 issued by the third respondent situated in Re.S.No.356/14, Kalukootam Village, Kallukulam Taluk, Kanyakumari District.

For Petitioner : Mr.M.Subbiah

For Respondents : Mr.D.Sasi Kumar (R1 to R4)  
Additional Government Pleader

: Ms.S.Vijayashanthi (R5)



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## **ORDER**

**(Order of the Court was made by N.SATHISH KUMAR, J.)**

W.M.P(MD)No.4488 of 2026 filed seeking to file a single Writ Petition is ordered.

2.Challenging the impugned letter dated 12.02.2026 issued by the first respondent, the petitioner has filed the present Writ Petition seeking to quash the same and consequently direct the official respondents to demolish the unauthorized construction put up by the fifth respondent in deviation from the original building plan approval in ROC.No.SWP/BPA/393253/2024 dated 28.11.2024 issued by the third respondent, in respect of the property situated in Re.S.No.356/14, Kalukootam Village, Kalkulam Taluk, Kanyakumari District.

3.The petitioner challenges the unauthorized construction of a church building by the fifth respondent in Kallukootam Village,



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Kanyakumari District. Though approval was granted on 28.11.2024 for reconstruction measuring 264.56 sq.m., it is alleged that the fifth respondent obtained such approval by misrepresentation and proceeded to construct a substantially larger structure measuring about 752.86 sq.m., in deviation from the sanctioned plan.

4.Subsequently, pursuant to the earlier writ petition filed by the petitioner, the authorities conducted inspections and issued statutory notices, including stop-work, demolition, and lock-and-seal notices under the Tamil Nadu Town and Country Planning Act, 1971.

5.Though the fifth respondent's application for revised planning permission was rejected, an appeal has been filed, and the committee recommended reconsideration on limited grounds, allegedly ignoring major violations. Aggrieved by the same, the petitioner has challenged the impugned order dated 12.02.2026 in the present Writ Petition.



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6. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for respondents 1 to 4 submitted that, as against the order rejecting the regularization application, the fifth respondent has preferred an appeal before the Government under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, and that the said appeal has been entertained, with certain queries having been raised by the Appellate Authority.

7. The learned counsel appearing for the fifth respondent submitted that certain construction materials have already been stacked in the church premises and, in view of the earlier order passed by this Court, the said materials may go to waste. Hence, a request was made to permit the fifth respondent to remove the materials.

8. Considering the said submission, the materials shall be removed in the presence of the third respondent/Assistant Director. The third



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respondent/Assistant Director shall fix a specific date for such removal, and on the said date, the fifth respondent shall remove all the materials.

9.It is made clear that, until the appeal is disposed of and the matter is regularized, the fifth respondent shall not proceed with any further construction. In the event of any further construction being carried out, the authorities concerned shall take appropriate action to remove the same in accordance with law.

10.With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected W.M.P.(MD) Nos.4487, 4488, and 4489 of 2026 are closed.

**[N.S.K.,J.] [M.J.R.,J.]**  
**09.04.2026**  
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NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
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To

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House and Urban Development Department,  
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