



W.P(MD)No.5913 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2026

CORAM:

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

**W.P(MD)No.5913 of 2026
and
W.M.P(MD)Nos.4930 & 4933 of 2026**

P.Nirmala

... Petitioner

vs.

1.The Deputy Director of Town and Country Planning,
O/o. The Deputy Director of Town and Country Planning,
The District Town and Country Planning Building,
No.14, Vivekananda Nagar,
Dindigul - 624 011.

2.The Block Development Officer (Village Panchayats),
Batlagundu Panchayat Union,
Batlagundu,
Dindigul District.

3.D.Vadivelan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to remove the unauthorized construction put up by the respondent No.3 in S.Nos.406/13, 406/2B1, 406/14 situated at Viruveedu Village, Nilakkottai Taluk, Dindigul District within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.J.Ashok (R1)
Additional Government Pleader

: Mr.P.T.Thiraviam (R2)
Government Advocate

: Ms.Lakshmi Gopinathan (R3)

ORDER

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

The petitioner has filed the present Writ Petition seeking a direction to the respondents 1 and 2 to remove the unauthorized construction put up by the third respondent in Survey Nos.406/13, 406/2B1 and 406/14 situated at Viruveedu Village, Nilakkottai Taluk, Dindigul District.



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2. According to the petitioner, the third respondent has put up a commercial building to an extent of more than 5400 square feet without obtaining proper approval and in an unauthorized manner. It is further stated that the building has been constructed without providing the required set back spaces and that it is a multi-storeyed commercial building with large-scale deviations. According to the petitioner, the said construction poses a threat to the safety and security of the residents in the locality. In this regard, the petitioner has given a complaint. Though the second respondent, vide proceedings dated 09.02.2026, issued a stop work notice directing the third respondent to immediately stop the ongoing construction work, the third respondent is continuing with the unauthorized construction. No effective action has been initiated against the third respondent till date either to lock and seal the building or to remove the unauthorized construction. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the third respondent submitted that the third respondent had obtained building plan approval



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from the second respondent for construction of 1977 square feet. However, while carrying out the construction, certain deviations occurred. Therefore, the third respondent applied for regularization of the deviation before the second respondent. However, the same was returned on the ground that the application has to be submitted before the first respondent. While being so, based on the complaint given by the petitioner, the second respondent passed the impugned order. It is further submitted that the third respondent has already submitted a revised plan before the first respondent on 07.03.2026, and the same is pending consideration.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.On perusal of the materials available on record, it is seen that admittedly the petitioner and the third respondent are neighbours and it appears that there are certain deviations in the construction. Originally, the third respondent obtained building plan approval from the second



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respondent for construction of an area below 2000 square feet. However, due to certain deviations, an additional extent of about 860 square feet has been constructed. In this regard, the third respondent has submitted an application before the first respondent seeking revised plan approval for the extended area and the same is pending consideration.

6.In such circumstances, since the third respondent has already submitted an application before the first respondent seeking revised plan approval for the extended area, it is for the first respondent to take an appropriate decision and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such time the revised plan is approved or the deviation is regularized, the third respondent shall not undertake any further construction. Based on the revised plan approval, the third respondent may proceed with the construction in accordance with law.



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7.With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
11.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Deputy Director of Town and Country Planning,
O/o. The Deputy Director of Town and Country Planning,
The District Town and Country Planning Building,
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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

ps

ORDER MADE IN
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