



W.P(MD)No.9842 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.04.2026

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

W.P(MD)No.9842 of 2026

and

WMP(MD)Nos.7766, 7768 and 7771 of 2026

1.R.Rengasamy

2. R.Muthusamy

... Petitioners

Vs.

1. The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Tallakulam, Madurai-625 002.

2. The Assistant Commissioner,
Zone-V, Madurai West,
Madurai Corporation,
Thirupparankundram,
Madurai-625 005.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the 2nd respondent in Ma5E1/000492/2026 dated 25.02.2026 and quash the same as illegal and



W.P(MD)No.9842 of 2026

consequently direct the respondents to regularise the building of the petitioners at Door Nos.293, 293A, 293B, 293C in Survey Nos.150, 153, 364, 368 situated at Harivipatti, Madurai District.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.S.Vinayak, Standing Counsel

ORDER

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

The prayer in this writ petition is to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order issued by the 2nd respondent in Ma5E1/000492/2026 dated 25.02.2026 and quash the same as illegal and consequently direct the respondents to regularise the building of the petitioners at Door Nos.293, 293A, 293B, 293C in Survey Nos.150, 153, 364, 368 situated at Harivipatti, Madurai District.

WMP(MD)No.7766 of 2026 filed to permit the petitioners to file a single writ petition is ordered.

2. The unauthorised constructions put up by the petitioners without approval were sought to be removed by way of writ petition filed



W.P(MD)No.9842 of 2026

by the brother of the petitioners. This Court has directed the Corporation to remove the unauthorised constructions, if any, by the petitioners.

Consequent to the said order, the Corporation issued a lock and seal notice which was challenged by the petitioners in W.P(MD)No.3283 of 2026, contending that pending their regularization application dated 28.10.2025, the Corporation has issued the lock and seal notice. This Court by order dated 05.02.2026, has issued the following directions:

"4. Taking into consideration that admittedly, the constructions have been put up prior to getting approval of the Authorities and only after taking coercive action, the writ petitioners have made application for regularization for the constructions, we are of the view that an order of lock and seal has to be enforced. At the same time, the application for regularization made by the petitioner on 28.10.2025 is to be considered and scrutinized in accordance with law within a period of three (3) weeks. If there is any defect to be rectified in the application, the concerned Authority should pass orders in the representation dated 31.01.2025 made by the petitioners herein within seven (7) days from today.

5. The learned counsel appearing for the petitioners would state that the premises have been locked and sealed by the respondents yesterday (04.02.2026) at 11'o clock even without permitting the petitioners to remove the essentials



W.P(MD)No.9842 of 2026

from the house.

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6. In view of the same, the respondents are directed to remove the lock and seal to enable the petitioners herein to remove the essentials from the building and after removing the essentials, the respondents are directed to lock and seal the premises 48 hours after de-sealing."

3. Pursuant to the abovesaid order, the 2nd respondent by impugned order dated 25.02.2026, rejected the regularization application of the petitioners stating that there is no provision under the Act for regularising the unauthorised constructions made by the petitioners. It is relevant to note that in W.P(MD)No.3283 of 2026, this Court has specifically directed that if there is any defect to be rectified in the application, the concerned authority should pass orders in the representation dated 31.01.2025 made by the petitioners within seven days from the date of the order. However, quite contrary to the direction of this Court, the regularization application has been rejected erroneously on the ground that there is no provision under the Act for regularising the unauthorised constructions put up by the petitioners. It is relevant to extract below Section 135 of the Tamil Nadu Urban Local Bodies Act,



W.P(MD)No.9842 of 2026

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"135. Powers of Commissioner to regularise unauthorised construction.—(1) Where the construction, reconstruction or modification of any building is commenced or completed without any permission duly granted by the Commissioner or by any appellate or revisional authority or where such construction, reconstruction or modifications has been made otherwise than in accordance with the provisions of this Act and the rules made thereunder, or in violation of the conditions of any permission, the Commissioner may issue a notice to the owner or occupier or any person who is in-charge of the construction directing him to regulate the construction of such building in accordance with the rules and conditions imposed in the notice within a period of fifteen days from the date of receipt of such notice.

(2) On the issue of such notice, the owner or the occupier or the person in-charge of the construction shall stop the construction forthwith and apply to the Commissioner for regularisation of the construction in accordance with the rules and conditions specified in the notice issued under sub-section (1) within the time stipulated in the notice.

(3) Where any such application is so made, the Commissioner may, after scrutiny of such application in the prescribed form received together with any plan, and after satisfying himself that the construction work is in accordance



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with the rules, he may grant the permission after collecting necessary fee and the penalty prescribed.

(4) Where the Commissioner, on scrutiny of such application is of the opinion that the construction work which is in progress or the construction which has been completed or the construction work as proposed in the plan is in deviation of the provision of this Act, or the rules framed thereunder, he may issue another notice to the persons concerned to cause necessary modification by way of removing any existing structure or by making necessary alterations within the period specified therein:

Provided that the Commissioner may, on receipt of an application after inspection of the work, may grant an extension of time not exceeding the period prescribed if he satisfies that the applicant had sufficient cause for not carrying out the orders of the Commissioner within the said period.

(5) Where the orders of the Commissioner has been complied within the period or the extended period, the Commissioner may, after satisfying himself, collect the necessary fee together with penalty prescribed and grant necessary building permission.

(6) If in any case where no action has been taken in pursuance of any notice issued by the Commissioner under sub-section (4) for removal or alteration or modification to



W.P(MD)No.9842 of 2026

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any unauthorised construction within the time limit referred to in the said sub-section, the Commissioner may lock and seal the building or remove or demolish unauthorised construction. The cost of expenditure incurred by the municipality towards such removal or demolition shall be recovered from the person concerned as arrears of land revenue."

4. Reading of sub-clause (4) makes it very clear that whenever any application is made even in respect of the construction which has already been constructed, the Commissioner may issue another notice to the persons concerned to cause necessary modification by way of removing any existing structure or by making necessary alterations within the period specified therein. Therefore, it is not correct to state that the Commissioner has no power to point out what are the nature of deviations in the building. The Commissioner can direct the concerned person to remove the structure or deviation to bring the building within the framework of the rules. Therefore, without pointing out the nature of the deviation and asking the parties to set right the mistakes/deviation, as a matter of right, the application for regularization cannot be rejected.



W.P(MD)No.9842 of 2026

5. The very purpose of such power is only to set right the mistake/defect committed by the parties while constructing the buildings. If outrightly the application for regularization is rejected, it in fact, will have a serious impact on the constitutional rights of the parties to hold the property. The purpose and object of the abovesaid provision is only to regulate the construction of the building to ensure that the constructions are made within the parameters of the relevant rules. Therefore, it is an obligation on the part of the authorities concerned to point out what are the nature of deviation or modification to be effected, so that the regularization application of the petitioners can be processed. Without issuing such notice pointing out any deviation, mechanically rejecting the application for regularization, in our considered view, cannot be sustained.

6. Hence, the impugned order issued by the 2nd respondent in Ma5E1/000492/2026 dated 25.02.2026 is set aside. Let the 1st respondent issue fresh notice to the petitioners, pointing out the nature of the deviation or modification in the existing building to be carried out by the applicants/petitioners. Thereafter, on production of the proof for



W.P(MD)No.9842 of 2026

having carried out the defects pointed out in the building, the application of the petitioners for regularization shall be considered on its own merits and in accordance with law. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
09.04.2026

Index : Yes / No
Neutral Citation : Yes / No
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W.P(MD)No.9842 of 2026

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W.P(MD)No.9842 of 2026

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