



W.P(MD)No.17477 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.06.2026

WEB COPY

CORAM

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

W.P(MD)No.17477 of 2026

and

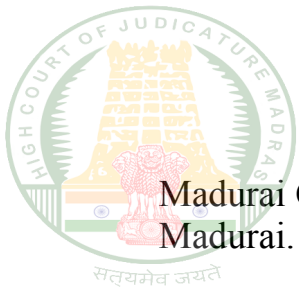
WMP(MD)No.12943 of 2026

Thozhilalar Munnettra Sangam
Represented by V.Albhonse
General Secretary
TNSTC (Madurai region) Ltd
Bye Pass Road,
Madurai -625 016.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai.
2. The Director of Town and Country Planning,
O/o. Director of Town and Country Planning,
Chennai.
3. The District Collector,
Madurai District,
Madurai.
4. The Commissioner,
Madurai Corporation,
Tallakulam, Madurai-2.
5. The Assistant Commissioner,
Region 3 (central),



W.P(MD)No.17477 of

Madurai Corporation,
Madurai.

6. The Managing Director,
TNSTC (Madurai) LTD, Head Office,
Bye Pass Road,
Madurai - 625 016.

... Respondents

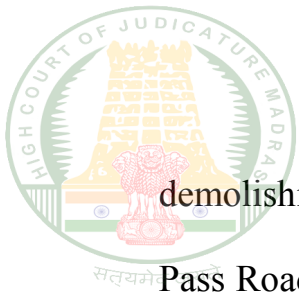
PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider and dispose the application submitted by the 3rd respondent vide his proceedings in Parvai/Pori/Pothu/0037/2026 dated 27.05.2026 and consequently to forbear the 4th and 5th respondent from demolishing the building situated in TS No.86 situated in Ward No.22, Bye pass road, Madurai pursuant to the notice issued by the 5th respondent vide his proceedings in Na.Ka.No.Ma3/D2/006168/2023 dated 13.06.2026 pending disposal of the application before the 1st and 2nd respondents.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for M/s.Ajmal Associates
For R1 to R3	: Mr.M.S.Parthiban, Counsel for State
For R4 & R5	: Mr.T.S.Mohammed Mohideen
For R6	:Mr.S.C.Herold Singh

ORDER

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

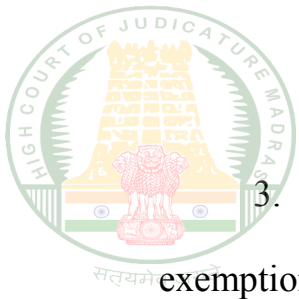
The prayer in this writ petition is to issue a Writ of Mandamus, to direct the 1st respondent to consider and dispose of the application submitted by the 3rd respondent vide his proceedings in Parvai/Pori/Pothu/0037/2026 dated 27.05.2026 and consequently to forbear the respondents 4 and 5 from



W.P(MD)No.17477 of

demolishing the building situated in TS No.86 situated in Ward No.22, Bye Pass Road, Madurai, pursuant to the notice issued by the 5th respondent vide his proceedings in Na.Ka.No.Ma3/D2/006168/2023 dated 13.06.2026 pending disposal of the application before the respondents 1 and 2.

2. It is the contention of the learned Senior Counsel appearing for the petitioner that the demolition exercise was undertaken pursuant to the direction issued by this Court in W.P(MD)No.25849 of 2023 dated 18.12.2023, wherein, this Court has directed removal of encroachment. Thereafter, the 6th respondent has submitted an application under Section 113(b) of the Tamil Nadu Urban Local Bodies Act, 1998, on 27.05.2026 to the Corporation seeking exemption of deviated building construction. Without passing any order on the said application, the 5th respondent has issued the notice to the 6th respondent proposing demolition on 01.07.2026. Taking note of the fact that Section 113(b) of the Tamil Nadu Urban Local Bodies Act, 1998 provides exemption / regularization of the unauthorised or deviated building construction and that the 6th respondent has also filed the exemption application on 27.05.2026 and without deciding the same, the demolition is scheduled on 01.07.2026, we are of the view that it is for the 1st respondent to take a decision in the exemption application on its own merits as to whether exemption to be granted or not and then proceed as per law.



W.P(MD)No.17477 of

3. Therefore, the 1st respondent is directed to pass orders on the exemption application dated 27.05.2026 filed before the 1st respondent under Section 113(b) of the Tamil Nadu Urban Local Bodies Act, 1998, on its own merits within a period of two months from today. Till such time, let the authorities shall not take any coercive steps. It is made clear that in the event the exemption application is not considered / rejected by the 1st respondent, the removal of encroachment should be made immediately.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

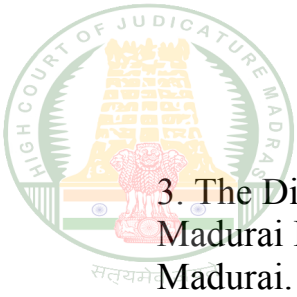
[N.S.K., J.] & [M.J.R., J.]
23.06.2026

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai.

2. The Director of Town and Country Planning,
O/o. Director of Town and Country Planning,
Chennai.



W.P(MD)No.17477 of

3. The District Collector,
Madurai District,
Madurai.

WEB COPY

4. The Commissioner,
Madurai Corporation,
Tallakulam, Madurai-2.

5. The Assistant Commissioner,
Region 3 (central),
Madurai Corporation,
Madurai.

6. The Managing Director,
TNSTC (Madurai) LTD, Head Office,
Bye Pass Road,
Madurai - 625 016.



WEB COPY



W.P(MD)No.17477 of 2026

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

bala

ORDER MADE IN
W.P(MD)No.17477 of 2026
DATED : 23.06.2026