



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25480 of 2023

and

W.M.P(MD)No.21656 of 2023

Maria Robin

...Petitioner

Vs

1. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
2. The Assistant Executive Engineer,
Tirunelveli Municipal Corporation,
Tirunelveli.
3. The Joint Director,
Planning Authority,
Tirunelveli - 627 005.

Local

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to defer the further action based on the proceedings in ROC. No.2771/2023/TP3 of respondent - 2 dated 01.08.2023 till final order to be passed in revision plan dated 08.08.2023 submitted by the petitioner.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.A.Sivanupandian
Standing Counsel for R1 and R2
M/s.D.Farjana Ghoushia
Special Government Pleader
for R3

ORDER

The present writ petition has been filed seeking a mandamus directing the authorities to defer further action based upon the proceedings in ROC. No. 2771/2023/TP3, dated 01.08.2023, till final orders are passed in the revised plan, dated 08.08.2023.

2. The petitioner herein had put up construction after obtaining building plan approval. On inspection, the authorities found that he has put up some additional construction and thereafter, directed him to make additional payments. The petitioner has also made additional payments.

3. The authorities herein have directed the writ petitioner to submit a revised plan for the additional construction put up by him. The petitioner has submitted his revised plan which was returned on 22.09.2023. Thereafter, the petitioner has resubmitted the revised plan on 16.10.2023. Before passing any orders on the revised plan submitted by the writ petitioner, proceedings have



been issued on 01.08.2026, calling upon the writ petitioner to discontinue the use of the building within a period of 30 days from the date of receipt of the notice.

4. According to the learned counsel appearing for the writ petitioner, without considering the revised plan submitted by the writ petitioner, the present order has been passed and the same shall be kept in abeyance till the disposal of his application for revised plan approval.

5. The learned Special Government Pleader appearing for the respondents has brought to the notice of the Court that after the application was returned on 22.09.2023, another order has been passed on 31.10.2023 under Form-IV, invoking Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971, and the said order having not been put to challenge, the present petition is not maintainable.

6. I have considered the submissions made on either side and perused the materials available on record.

7. As rightly pointed out by the learned Counsel appearing for the petitioner, he had re-submitted the revised plan on 16.10.2023, which is yet to



be disposed of by the concerned authorities. Before disposing of the revised plan, the authorities cannot proceed to seal the premises or demolish the unauthorised construction of the writ petitioner under Section 56(4) of the Tamil Nadu Town and Country Planning Act, 1971.

8. In view of the above said facts, the writ petition stands disposed of with a direction to the authorities to consider the revised plan submitted by the writ petitioner on 16.10.2023 and pass orders within a period of 8(eight) weeks from the date of receipt of a copy of this order. Till such time, no coercive action shall be taken by the respondent officials. No costs. Consequently, connected miscellaneous petition is also closed.

29.01.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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