



W.P.(MD)No.33226 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2026

CORAM:

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

W.P.(MD)No.33226 of 2025

M.Kanthimathinathan

... Petitioner

Vs.

1. The Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C and E Market Road,
Koyambedu, Chennai-600 107.
2. The Assistant Director of Town and
Country Planning,
District Town and Country Planning Office,
Collectorate Campus,
Thoothukudi - 628 101.
3. The Commissioner,
Thoothukudi Corporation,
113, Palayamkottai Road,
Thoothukudi-628 002.
4. The Executive Engineer,
Thoothukudi Corporation,
West Zone, Millerpuram,
Thoothukudi - 628008.
5. The District Fire and Rescue Officer,
157, South Cotton Road,
Thoothukudi – 628 002.



W.P.(MD)No.33226 of 2025

6. The Superintendent of Police,
District Police Office,
PSP Nagar, Korampallam,
Thoothukudi-628 101.

7. Tamilselvan

8.S.Gomathi

9.S.Banumathi

10.S.Vithubala
(R8 to R10 are impleaded vide order of
this Court dated 16.03.2026 in W.M.P.
(MD)No.5898 of 2026)

11.M.Devika
(R11 are impleaded vide order of
this Court dated 16.03.2026 in W.M.P.
(MD)No.5896 of 2026)

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1-5 to take appropriate actions on the petition of the petitioner dated 03.11.2025 to remove the unauthorized constructions in Door No.105F, Palayamkottai Road West, Thoothukudi.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.D.Sasikumar,
Addl. Govt. Pleader for R1, R2 & R5
Mr.R.N.Dilipanpandian for R7
Mr.N.Anandhakumar,
Standing Counsel for R3 & R4
Mr.K.Sanjai Gandhi,
Govt. Advocate for R6
Mr.S.Nedunchezhiyan for R8 to R10
Mr.S.Xavier Rajini for R11



W.P.(MD)No.33226 of 2025

ORDER

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

This Writ Petition has been filed seeking a direction to the respondents 1-5 to take appropriate actions on the petition of the petitioner dated 03.11.2025 to remove the unauthorized constructions in Door No.105F, Palayamkottai Road West, Thoothukudi.

2. Upon hearing the submissions made by the learned counsel appearing for the petitioner, this Court is of the considered view that the present Writ Petition is a clear abuse of the process of law. It appears that, with a view to evict the tenant, the petitioner, who is the owner of the property, has approached this Court under the guise of alleging unauthorized construction. It further appears that the building in question was originally put up by the petitioner himself and the same was leased out to one Mani in the year 2010 for the purpose of running a hotel. After the demise of the said Mani, his son, namely, Tamilselvan, the 7th respondent herein, is continuing the said business.



W.P.(MD)No.33226 of 2025

3. The learned counsel appearing for respondents 8 to 10 would submit that the building was constructed not only by the petitioner's father but also by their grandfather.

4. Be that as it may, this Court is of the firm view that the present Writ Petition is nothing but an abuse of the process of law. It is brought to the notice of this Court that a civil suit in O.S.No.46 of 2025 has already been filed seeking eviction of the 7th respondent and the same is pending adjudication. The petitioner, having failed to obtain the desired relief before the Civil Court, has approached this Court seeking to achieve the very same relief indirectly by way of the present Writ Petition, which cannot be countenanced.

5. In such view of the matter, this Court is inclined to dismiss the Writ Petition.

6. Accordingly, this Writ Petition is dismissed with costs of Rs. 10,000/- (Rupees Ten Thousand only), payable to the Women Lawyers Association attached to this Bench, for the purpose of maintaining the crèche run by them, within a period of two (2) weeks from today. In the



W.P.(MD)No.33226 of 2025

event of failure to comply with the above direction within the stipulated time, respondents 8 to 11 are at liberty to bring the same to the notice of this Court by initiating appropriate contempt proceedings. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
16.03.2026

vsm

Index :Yes/No

NCC :Yes/No

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W.P.(MD)No.33226 of 2025

N.SATHISH KUMAR, J.
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W.P.(MD)No.33226 of 2025

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