



W.P.(MD)Nos.34938 and 30811 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.01.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.P.(MD)Nos.34938 and 30811 of 2025
and
W.M.P.(MD)Nos.27628 and 24004 of 2025

W.P(MD)No.34938 of 2025

A.Joseph Antony Arokkiya Selvi

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Housing and Urban Development,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.
- 2.The Director,
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor, C&E Market Road,
Koyembedu, Chennai.
- 3.The Commissioner / Member – Convener,
Tirunelveli City Municipal Corporation,
Tirunelveli-1.
- 4.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation
Tirunelveli-2.



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5.S.Ferdin Rayan

6.Louis P Peter

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impugned order of the 3rd respondent Na.Ka.No.TP2/5417/2024 dated 25.11.2025 and quash the same.

For Petitioner : Mr.H.Arumugam

For R1 & R2 : Mr.J.Ashok, Addl. Govt., Pleader

For R3 & R4 : Mr.S.P.Maharajan, Standing Counsel

W.P(MD)No.30811 of 2025

S.Ferdin Rayan

... Petitioner

Vs.

- 1.The District Collector / Chairperson,
High Level Monitoring Committee,
Tirunelveli City Municipal Corporation,
Tirunelveli-627 009.
- 2.The Commissioner / Member – Convener,
Tirunelveli City Municipal Corporation,
Tirunelveli-1.
- 3.The Joint Director,
Tirunelveli Local Planning Department,
Tirunelveli-627 005.
- 4.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation
Tirunelveli-2.



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5.T.Kanakaraj

... Respondents

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unauthorized construction made by the 5th respondent as “Holy Mother Palace Marriage Hall” in TS Ward No.2, Block No.16, TS No.2021 Pt, Door No.6, Police Hospital Road, Palayamkottai Taluk, Tirunelveli District by implementing the order dated 30.06.2025 vide Roc No.TP2/5417/2024 passed by the fourth respondent, within a time frame stipulated by this Court.

For Petitioner	: Mr.G.Prabhu Rajadurai,
	for Mr.Robert Chandra Kumar
For R1 & R3	: Mr.J.Ashok, Addl. Govt., Pleader
For R2 & R4	: Mr.S.P.Maharajan, Spl. Govt. Pleader

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

This Public Interest Litigation filed by one S.Ferdin Rayan, seeking issuance of Mandamus directing the respondents 1 to 4 to remove the unauthorized construction made by one T.Kanakaraj, who is the fifth respondent in the said writ petition, is running a Kalyanamandabamviz., “Holy Mother Palace Marriage Hall”.

2.The Commissioner, Member – Convener, Tirunelveli City Municipal Corporation, has issued a notice dated 25.11.2025 taking



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action for constructing a building in deviation of the approved plan and show cause why the building should not be put under locked and sealed for further action to remove the unauthorized construction. Hence, A.Joseph Antony Arokkiya Selvi, who is the owner of the building and the daughter of Kanagaraj, had approached this Court by way of filing a writ of Certiorari in W.P(MD)No.34938 of 2025. According to her, the building was constructed in the year 1994 and the said building was purchased by her father, whereas, the writ petitioner in W.P(MD)No. 30811 of 2025 had arrayed his late father as one of the respondents and has made an allegation of unauthorized construction.

3.This Court, after hearing the counsels representing both the petitioners in Public Interest Litigation and the building owner, directed the respondents to inspect and identify any construction which has not been approved. Accordingly, the Assistant Commissioner, Tirunelveli City Municipal Corporation and his team had inspected and identified the unauthorized construction found and filed two status reports along with Photos and Sketch.



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4.The learned counsel appearing for the building owner, who is the writ petitioner in W.P(MD)No.34985 of 2025 submitted that the identified unauthorized construction has been totally removed and if a portion of pillar which holds the building is removed, the entire construction will get demolished. His submission also fortified by the status report filed by the Assistant Commissioner, Tirunelveli, wherein he has stated that after removing the unapproved construction, for about 60.56 sq.feet, the pillar is not removed and if it is removed, the entire building will be collapsed.

5.Considering the said fact and the submission made by the learned counsels appearing for the Public Interest Litigation that the unapproved construction stands in the setback area and therefore, there cannot be any deviation in the approved plan reducing the setback area, we are of the view that the building owner shall approach the appropriate authority for ratification of the deviation by making an appropriate application within a period of 21 days from today. On such application, the request of the building owner is to be considered in accordance with the Act and Rule and if it is permissible, the deviation must be ratified otherwise time must be given to the building owner to remove the



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unauthorized construction. Such decision to be taken by the appropriate authority within a period of two months from the date of receiving the representation. Till then, the respondents shall not take any coercive steps against the building owner for the alleged deviation.

6. With these observations, both the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
06.01.2026

Index : Yes/No

Internet : Yes

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To

1. The District Collector / Chairperson,
High Level Monitoring Committee,
Tirunelveli City Municipal Corporation,
Tirunelveli-627 009.
2. The Commissioner / Member – Convener,
Tirunelveli City Municipal Corporation,
Tirunelveli-1.
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