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W.P.(MD)NO.18403 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)Nos.18403 of 2014 & 18354 of 2018

G.Thirunavukkarasu

... Petitioner
in both W.Ps.

Vs.

1. The Commissioner,
Karaikudi Municipality,
Karaikudi,
Sivaganga District.

2. Periakaruppan
3. Kothai

... Respondents
in both W.Ps.

Prayer in W.P.(MD)No.18403 of 2014: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to take appropriate action regarding the illegal and unauthorised construction by the respondents 2 and 3 herein in T.S.No.1023/1, Survey Block No.3/29, Northern part of plot No.245 in 470 Kurukkam, Vadakattu Manai, Sekkalaikottai, Karaikudi Town, Sivaganga District as provided under Section 205 and 216 of the Tamil Nadu District Municipalities Act, 1920 in respect of the said unauthorised construction.

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Prayer in W.P.(MD)No.18354 of 2018: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to take appropriate action regarding the illegal and unauthorised further construction of 1st Floor by the respondents 2 and 3 herein in T.S.No.1023/1, Survey Block No.3/29, Northern part of plot No.245 in 470 Kurukkam, Vadakattu Manai, Sekkalaikottai, Karaikudi Town, Sivaganga District as provided under Section 205 and 216 of the Tamil Nadu District Municipalities Act, 1920 in respect of the said unauthorised further construction of 1st floor based on the representation of the petitioner dated 19.06.2018.

(in both WPs.)

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.E.P.Venkateshwar,
Standing counsel
for Karaikudi Municipality.

No appearance for R-2 & R-3.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for Karaikudi Municipality.



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2. Even though the private respondents have not been served, in view of the nature of direction that we propose to pass, we need not wait for completion of service.

3. The writ petitioner is none other than the brother of the second respondent. The third respondent is the wife of the second respondent.

4. The petitioner is aggrieved by the unauthorised construction put up by the private respondents in the petition-mentioned site.

5. The learned Standing counsel appearing for the Municipality confirms that initially, an unauthorised construction was put up by the private respondents in the petition-mentioned site. Thereafter, they obtained approval for constructing a residential apartment.

6. The learned Standing counsel states that what has been now put up is not residential, but a pucca commercial storied structure.



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7. It is undertaken by the Karaikudi Municipality that suitable action as per law will be taken in this regard. The first respondent is directed to take immediate action against the offending construction in question. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. We make it clear that the first respondent shall issue notices to the respondents 2 and 3 and only thereafter take action as per law. Since this writ petition is disposed of without hearing the respondents 2 and 3, we make it clear that the observations made in this order will be only treated as tentative in nature. All the defences of respondents 2 and 3 and the remedies available in law do not stand foreclosed. These writ petitions are disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
12th January 2026

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

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AND

R.KALAIMATHI, J.

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