

W.P(MD)No.599 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.599 of 2025

R.Mayilsamy

... Petitioner

Vs.

- 1.The Director of Municipal Administration,
No.75, Urban Administrative Buildings,
Santhom High Road, MRC Nagar,
Chennai - 28.
- 2.The Director of Town and Country Planning,
2nd, 3rd and 4th Floor,
C and E Market Road,
Koyambedu, Chennai - 600 107.
- 3.The District Collector/Chairperson,
High Level Monitoring Committee,
Collectorate Building,
Madurai - 625 020.
- 4.The Commissioner/Member-Convener,
High Level Monitoring Committee,
Madurai City Municipal Corporation,
Aringnar Anna Maligai,
Thallakulam, Madurai - 625 002.



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5.The Member Secretary/The Assistant Director,
Town Planning Country,
Sector 6, Anaiyur,
Koodalpudur - Anaiyur,
Madurai 625017.

6.The Executive Engineer (Planning),
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Thallakulam, Madurai - 625 002.

7.The Assistant Commissioner,
Zone - 2 (North),
Madurai City Corporation,
K.Pudhur, Madurai - 625 007.

8.The Assistant Executive Engineer (Planning),
Zone - 2 (North),
Madurai City Corporation,
K.Pudhur, Madurai - 625 007.

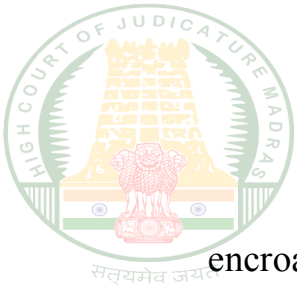
9.S.Seetharaman Iyyar

10.Visthara Welfare Association (VISWA),
Reg.No.130/2013,
Through its Secretary,
Arumugam,
Virat B Block, Visthara Residential Enclave,
Parava P.O. Madurai 625 402.

... Respondents

*[R10-impeaded vide Court order dated 28.03.2025 in
W.M.P.(MD) No.6384 of 2025 in W.P.(MD) No.599 of 2025]*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 8 herein to Lock and Seal and remove / Demolish



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encroachment and unauthorized construction and building violation made by the 9th respondent under the provisions of the Tamilnadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 01.06.2024.

For Petitioner : Mr.J.M.Arvind Pawlraj
For RR1 to 3, 5 & 6: Mr.S.P.Maharajan
Special Government Pleader
For RR4, 7 & 8 : Mr.S.Vidhya Sagar
For R9 : Mr.S.Parthasarathy
For R10 : Mr.K.Samidurai

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to direct respondents No.1 to 8 herein to Lock and Seal and remove/Demolish encroachment and unauthorized construction and building violation made by the ninth respondent under the provisions of the Tamilnadu Town and Country Planning Act, 1971 on the basis of the representation of the petitioner dated 01.06.2024.



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2. It is not in dispute that the Open Space Reservation (OSR) land of Visthara Residency, Dindigul National Highway, New Vilangudi Bit-2, Ward-1, Zone-2, Madurai City has already been gifted by the promoter in favour of the Madurai City Corporation. OSR land cannot be allowed to be encroached upon even by the residents in the apartment. The OSR lands are to be maintained in the manner contemplated under the Act and Rules in force.

3. The complaint by the petitioner is that a temple has been constructed illegally by some of the residents in the apartment.

4. The learned counsel appearing for the tenth respondent-Apartment Owners Association could not able to produce any licence or permission for construction of the temple in the OSR land. Thus, it is clear that the temple has been constructed without permission and it is unauthorised. That apart, the OSR land has been utilised for construction of temple in violation of the Act and Rules.



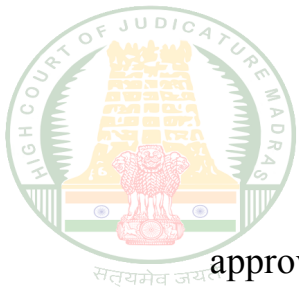
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5. The Hon'ble Supreme Court and the High Courts have time and again reiterated that OSR lands cannot be encroached upon by the resident or any other person and it is to be maintained by the local authorities/Corporation in the manner contemplated under the Act and Rules.

6. The learned counsel for Madurai Corporation would submit that several notices have already been issued to the Builder/Promoter.

7. Since the temple has been constructed unauthorisedly in the OSR land of the apartment and in violation of Rules, the said structure has to be demolished and the and the OSR land is to be maintained scrupulously in accordance with the provisions of the Act and Rules. Thus, the respondent-Madurai Corporation Authorities are directed to implement the enforcement actions already initiated and demolish the unauthorised construction of temple in the OSR lands of Visthara Residency at Dindigul National Highway, New Vilangudi Bit-2, Ward-1, Zone-2, Madurai and restore the lands to its original position as per the



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approved building plan. The said exercise is directed to be completed within a period of four weeks.

8. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

9. List this matter 'for reporting compliance' on 02.07.2025.

[S.M.S., J.] [A.D.M.C., J.]
02.06.2025

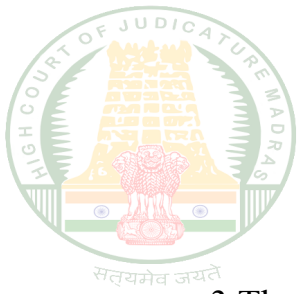
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Internet: Yes/No
NCC: Yes/No

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