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W.P.No.2381 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.2381 of 2025

Pushpavalli Suresh Babhu

... Petitioner

vs.

1. The Government of Tamil Nadu
Rep. By the Secretary
Housing & Urban Development Department
Secretariat, Fort St.George
Chennai-600 009.
 2. The Director of Town and Country Planning
O/o. Directorate of Town and Country Planning
2nd Floor, E & C Market Road
Koyambedu, Chennai-600 107.
 3. The Deputy Director of Town and Country Planning
O/o. Chengalpattu District Town &
Country Planning Officer
No.124, GST Road, Periyar Shopping Complex,
Chengalpattu – 603 001.
 4. The Member Secretary
The Tamil Nadu State Coastal Zone
Management Authority
9th Floor, Chennai Metro Rail Limited Building
Nandanam, Chennai-600 035.
- ... Respondents



W.P.No.2381 of 2025

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Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.14432/2024/TCP-5 dated 12.12.2024 on the file of the 2nd respondent and quash the same and direct the 3rd respondent to pass orders to regularise the petitioner's property in Plot No.193, at Survey No.294/1B of Paramankeni Village in Registration No.DTCP/P/0009354/2017 dated 11.09.2017 under the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017 read with Section 113 of the Tamil Nadu Town and Country Planning Act, 1971 without insisting upon the No Objection Certificate from 4th respondent and pass appropriate orders with regard to the same on merits within a reasonable time frame.

For Petitioner : Mr.Anish Gopi
For Respondents : Mr.P.Siddarth
Government Counsel, for R1 to R3
R4 – served – No appearance

ORDER

The petitioner challenges the order dated 12.12.2024 passed by the second respondent, confirming the order dated 31.05.2023 passed by the third respondent, whereby the petitioner's application for regularisation of an individual plot in an unapproved layout was rejected.



W.P.No.2381 of 2025

2. The petitioner states that she purchased Plot No.193 in Survey No.294/1B, situated at Paramankeni Village, Cheyyur, Chengalpattu District, measuring about 13,332 sq.ft., under a sale deed dated 28.03.2011 for valuable consideration. According to the petitioner, she purchased the said plot under the bona fide impression that the layout had been formed in accordance with the prevailing laws. Subsequently, she came to know that the layout was not in conformity with the provisions of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017 (“the said Rules”). Therefore, the petitioner submitted an application to the third respondent seeking regularisation of her individual plot under the said Rules. However, the application was rejected on the ground that the petitioner had not obtained a No Objection Certificate from the fourth respondent.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Since the facts stated above are not in dispute, they are not reiterated.



W.P.No.2381 of 2025

5. The said Rules deal with the regularisation of unapproved layouts and plots.

6. Rule 6 of the said Rules provides that an application for regularisation shall be in conformity with the following:

“1) The Civil Aviation Regulations of the Ministry of Tourism and Civil Aviation under the Aircraft Act, 1934 (Central Act XXII of 1934);

2) The Ministry of Defence Regulations for developments in the vicinity of the Air Force Stations within 100 metres around the areas notified under the Works of Defence Act, 1903 (Central Act 7 of 1903);

3) The Coastal Zone Regulations of the Ministry of Environment and Forest under the Environment (Protection) Act, 1986 (Central Act 29 of 1986), notified in the Gazette of Government of India Extraordinary, Part-II, Section 3, Sub-Section (ii), dated 6th January, 2011;

4) The Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993;



W.P.No.2381 of 2025

WEB COPY

5) Annexure-XI to the Development Regulations of Chennai Metropolitan Planning Area in respect of Aquifer Recharge Area;

6) Annexure-XII to the Development Regulations of Chennai Metropolitan Planning Area in respect of Red Hills Catchment Area;

7) Areas notified under the Ancient Monuments and Archaeological Sites and Remains Act, 1959 (Central Act 24 of 1958) and the Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966 (Tamil Nadu Act 25 of 1966).”

7. In terms of Rule 6(3) of the said Rules, the petitioner was called upon to furnish a No Objection Certificate for reprocessing her application. Accordingly, the petitioner approached the Director, Department of Environment and Climate Change, seeking issuance of a No Objection Certificate. By communication dated 22.08.2023, the Director informed the petitioner that there is no provision for issuance of such a No Objection Certificate and advised her to obtain CRZ clearance.

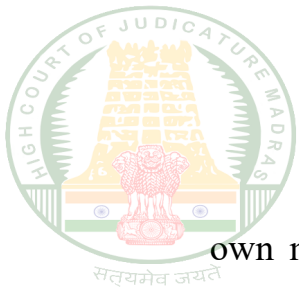


W.P.No.2381 of 2025

8. An application for regularisation of an individual plot in an unapproved layout has to be considered strictly in accordance with the said Rules. The Rules provide for regularisation of such plots, while any development in a regularised plot would remain subject to the restrictions imposed under the notification dated 06.01.2011, issued in supersession of the CRZ Notification, 1991. Therefore, the Director, Department of Environment and Climate Change, rightly stated that there is no provision for issuance of a No Objection Certificate.

9. In these circumstances, the insistence on production of a No Objection Certificate as a condition for considering the petitioner's application for regularisation cannot be sustained. Consequently, the order dated 12.12.2024 passed by the second respondent, confirming the order dated 31.05.2023 passed by the third respondent, is legally unsustainable. The CRZ clearance certificate can be insisted only when the petitioner intends to develop the plot.

10. Accordingly, the Writ Petition is allowed. The impugned order dated 12.12.2024 passed by the second respondent is set aside. The second respondent is directed to reconsider the petitioner's application afresh on its



W.P.No.2381 of 2025

own merits and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Before passing the order, the second respondent shall afford the petitioner an opportunity of hearing. There shall be no order as to costs.

23.07.2026

Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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Page Nos.7/8



WEB COPY



W.P.No.2381 of 2025

HEMANT CHANDANGOUDAR, J.,

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W.P.No.2381 of 2025

23.07.2026

Page Nos.8/8