



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 6749 of 2026

and

WMP No.7323 of 2026

MS.Vidyalalai Trust,
Represented by its Managing Trustee,
V.Annamalai,
Ward D,Block No.3,
Kameleswaran Koil Street,
Chidambaram Taluk,
Cuddalore District.

..Petitioner(s)

Vs

1. State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009
2. State of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration and Water Supply
Department,
Secretariat, Fort St. George,
Chennai-600 009
3. Director of Town and Country Planning,
Directorate of Town and Country Planning,
Government of Tamil Nadu,
Chennai 600 002
4. District Collector,
Town and Country Planning Department,
Cuddalore District,
Cuddalore 607 001



5. The Commissioner,
Chidambaram Municipality,
Lal Khan Street,
Chidambaram,
Cuddalore District-608 001

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for and quashing the impugned order/letter of the 4th Respondent vide File No.SWP/BPA/440141/2025/TCP dated 03.03.2025 and consequently directing the 4th respondent to grant approval for the proposed construction with height 18.3 metres as permissible in the development rules of Tamil Nadu Combined Development and Building Rules, 2019 in Door Nos.47,48 and 49.

For Petitioner(s): Mr.A.K.Sriram , Senior Counsel for
Mr.Raja Srinivas

For Respondent(s): Mr.C.Prabakaran, Government Advocate

ORDER

The petitioner challenges the communication dated 03.03.2025 issued by the fourth respondent, whereby the petitioner's application seeking approval for the construction of a commercial building was rejected.

1. The petitioner is a registered Trust and claims to be the owner of the properties bearing Door Nos.47, 48 and 49, comprised in T.S. Nos.297



and 303/1, Kamaleswaran Koil Street, Chidambaram.

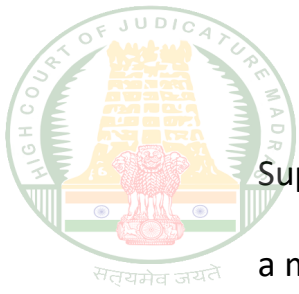
2. The petitioner proposes to develop the said properties by constructing a commercial building. For that purpose, an application was submitted to the second respondent seeking approval of the building plan. By the impugned communication, the application was returned on the ground that the proposed building exceeds 12 metres in height, whereas the permissible height is stated to be only 9 metres in view of G.O.Ms.No.172, Housing and Urban Development Department, dated 13.07.2006.
3. Learned Senior Counsel appearing for the petitioner submitted that Clause 4.13 of the Chidambaram Master Plan, reviewed as on May 2003, restricts the height of commercial buildings to 9 metres within a radius of one kilometre from the Arulmigu Natarajar Temple, based on G.O.Ms.No.22, Municipal Administration and Water Supply Department, dated 30.01.1997. According to the learned Senior Counsel, the validity of the said Government Order was challenged before this Court in W.P.No.30570 of 2000. By order dated 24.07.2009, a learned Single Judge held that the Government Order was inoperative since it had not been published in the Official Gazette as required under law. The said judgment was affirmed by a Division Bench in W.A.No.1319 of 2009 by



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judgment dated 07.09.2010, and the decision has attained finality. It is therefore submitted that the respondents cannot continue to enforce the height restriction by relying upon a Government Order that has been declared inoperative. Consequently, the rejection of the petitioner's application is arbitrary and unsustainable.

4. Learned Government Advocate appearing for the respondents submitted that the Arulmigu Natarajar Temple is a heritage monument and that the restriction on the height of buildings within one kilometre of the temple has been imposed only to preserve the visibility and heritage value of the temple towers. He further submitted that the restriction forms part of the revised Chidambaram Master Plan and, therefore, the impugned communication does not suffer from any illegality warranting interference under Article 226 of the Constitution of India.
5. I have considered the submissions made by the learned counsel appearing for the parties and perused the materials placed on record.
6. Clause 4.13 of the Chidambaram Master Plan, reviewed as on May 2003, states that Chidambaram is a heritage town and that, in order to preserve the visibility of the temple towers, the Government imposed a restriction under G.O.Ms.No.22, Municipal Administration and Water



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Supply Department, dated 30.01.1997, limiting the height of buildings to a maximum of 9 metres for residential buildings and to a maximum of 12 meters for commercial buildings within a radius of one kilometre from the Arulmigu Natarajar Temple. The Master Plan further provides that the said restriction should be strictly followed in the zoning areas covered by the Master Plan.

7. There is no dispute that the petitioner's property falls within the limits of Chidambaram Town and is governed by the Master Plan. It is also not in dispute that the height restriction incorporated in the Master Plan is founded entirely upon G.O.Ms.No.22, Municipal Administration and Water Supply Department, dated 30.01.1997. The validity of the said Government Order was considered by this Court in W.P.No.30570 of 2000. By order dated 24.07.2009, a learned Single Judge held that the Government Order could not be treated as a statutory rule issued under the Tamil Nadu District Municipalities Act so as to amend or override the provisions of the Tamil Nadu District Municipalities Building Rules, 1972. The Court further held that, since the Government Order had not been published in the Official Gazette, it had no statutory force and could not be enforced. The said judgment was affirmed by a Division Bench in W.A.No.1319 of 2009 by judgment dated 07.09.2010. The judgment has



attained finality.

8. The revised Chidambaram Master Plan was prepared in the year 2003 by incorporating the height restriction solely on the basis of G.O.Ms.No.22 dated 30.01.1997. Once the very Government Order forming the basis of such restriction was declared inoperative by this Court and the said decision attained finality, the respondents cannot continue to enforce the restriction contained in the Master Plan by relying upon the same Government Order. In the absence of any independent statutory provision imposing such restriction, the respondents are not justified in refusing approval on that ground.

9. Learned Government Advocate further submitted that, after receipt of the impugned communication, the petitioner obtained approval by modifying the proposal and restricting the height of the building to less than 12 metres. Merely because the petitioner obtained such approval would not disentitle it from seeking approval for construction of a building exceeding 12 metres, if such construction is otherwise permissible under the applicable statutory provisions. The approval earlier obtained by the petitioner cannot operate as a bar to making a fresh application. G.O.Ms.No.172, Housing and Urban Development Department, dated 13.07.2006, merely approves the revised Master

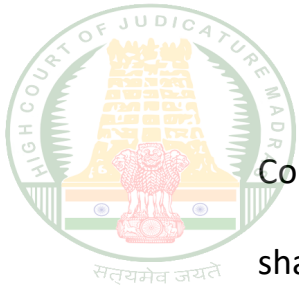


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Plan and does not independently impose any statutory restriction on the height of buildings. Therefore, the respondents cannot rely upon the said Government Order to reject the petitioner's application.

10. In view of the above discussion, this Court is of the considered opinion that the restriction imposed on the height of the commercial building proposed by the petitioner, by placing reliance upon G.O.Ms.No.172, Housing and Urban Development Department, dated 13.07.2006, and G.O.Ms.No.22, Municipal Administration and Water Supply Department, dated 30.01.1997, is legally unsustainable. Consequently, the impugned communication dated 03.03.2025 is liable to be set aside.

11. Accordingly, the writ petition is allowed and the impugned communication dated 03.03.2025 issued by the second respondent is set aside. The petitioner is at liberty to submit a fresh application seeking approval for construction of a commercial building exceeding 12 metres in height, if otherwise permissible under law. If such an application is submitted, the second respondent shall consider and dispose of the same on its own merits and in accordance with law, without placing reliance on G.O.Ms.No.172, Housing and Urban Development Department, dated 13.07.2006, or G.O.Ms.No.22, Municipal Administration and Water Supply Department, dated 30.01.1997.



Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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HEMANT CHANDANGOUDAR, J.

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