



W.P. No.6789 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.6789 of 2026
and W.M.P. No.7364 of 2026

Janardan Farms and Resorts LLP,
A Limited Liability Partnership
incorporated under the Limited
Liability Partnership Act, 2008,
Having its Registered Office at:
537/181, Dilkash Market, Lucknow,
Uttar Pradesh - 226 003.

And Having its camp site property situated at
Ithlar Panchayat, Udhagamandalam Taluk,
The Nilgiris Distrct, Tamil Nadu,
Represented by its Authorised representative
Mr.Deepak Kumar Singh,
Resort Manager (Ooty Property).

.. Petitioner(s)

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai - 600 009.

2.The Special Officer / Block Development Officer
(Village Panchayat),
Ithlar Panchayat, Uthagamandalam Taluk,
The Nilgiris District, Tamil Nadu.



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3. The District Collector,
The Nilgiris District,
Udhagamandalam, Tamil Nadu.

.. Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned notice bearing No.Na.Ka.No.(1) 7454987/2024 dated 27.01.2026 issued by the 2nd respondent and quash the same and consequential writ of Mandamus forbearing the respondents for locking, sealing or interfering with the petitioner's licensed camp site premises.

For Petitioner(s): Mr.Shantanu Mishra

For Respondent(s): Mr.K.Karthik Jagannath
Government Advocate
For R1 to R3

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3.

2. Challenge to the impugned notice of the second respondent dated 27.01.2026 is mainly premised on the ground that the structure put up by the petitioner is not a "building" and therefore, the proceedings initiated is without jurisdiction.



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3. The learned counsel for the petitioner by placing reliance on Rule 2(15) of The Tamil Nadu Combined Development and Building Rules, 2019 (hereinafter referred to as "the Rules"), contended that the petitioner has only put up tents in their tea plantation for providing temporary tent accommodations, which are not permanent buildings. Since the temporary tents are exempted under Rule 2(15), the impugned notice issued by invoking Section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971, is without any legal basis.

4. At the outset, for easy reference, "building" as defined under Section 2(7) of the Tamil Nadu Town and Country Planning Act, 1971 reads as under:-

"building" includes-

- (a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall) and any other structure whether of masonry, bricks, mud, wood, metal or any other material whatsoever;
- (b) a structure on wheels or simply resting on the ground without foundations;
- (c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods; and
- (d) the garden, grounds, carriages and stables, if any,



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appurtenant to any building;"

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5. In exercise of powers conferred under Sections 32(4) and 122 of the Tamil Nadu Town and Country Planning Act, 1971, the Rules were notified. Rule 2(15) of the Rules, defines the "building", which reads as follows:-

*" **"Building"** means any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandah, balcony, cornice or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures. Tents, shamianahs, pandals, tarpaulin shelters and the like erected for temporary and ceremonial occasions shall not be considered as building;"*

6. From the bare perusal of the above provisions, it is clear that any shed, hut, any other structure with metal or any material whatsoever and even a structure simply resting on the ground without foundation comes within the meaning of "building".



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7. Under Rule 2(15), when all the structures are included under building, only tents, shamianahs, pandals and tarpaulin shelters erected for temporary and ceremonial occasions, shall not be considered as “building”. When only a temporary tent or a shelter, which has been erected for any ceremonial occasion, are exempted within the meaning of the building, the argument raised that the structures put up by the petitioner in the form of tents, which remain there permanently and are admittedly used for commercial purposes are not a “building” is completely misplaced.

8. The impugned notice has been issued in respect of the building put up unauthorisedly without any planning permission. The petitioner has an efficacious alternative remedy available.

9. In view of the above, the writ petition stands dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
11.03.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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