



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

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CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP NO. 19485 OF 2026

and WMP.Nos. 22181, 20768 & 20767 OF 2026

B.Thiagarajan

Petitioner(s)

Vs

1. The Director of Town Panchayats
O/o.The Directorate of Town
panchayats 7th and 8th floor, Urban
Administrative office campus
chennai-600 028

2.The Assistant director of Town
panchayats
Kancheepuram zone Kancheepuram

3.The Executive Officer
Karunkuzhi Town panchayat
chengalpattu District

4.Yasodha ammal

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records of the 3rd respondent relating to the order in Na.Ka.No.175/2025 dated 7.3.2026 and quash the same and consequently direct the respondents 1 to 3 to initiate appropriate action against the 4th respondent for cancellation of the building plan approval /Building Licence issue by the 3rd respondent to the 4th respondent vide, the Final Approval Letter in Roc.No.175/2025 granting permission to construct commercial building at thumbulavar street, Karunkuzhi Maduranthakam, chengalpattu, in Building survey No.433 subdivision, 5 and 6.

For Petitioner(s): Ms.P.V.Rajeswari

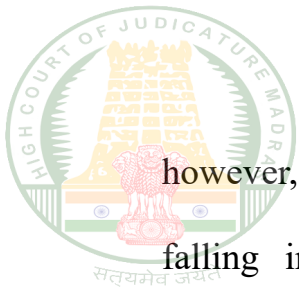
For Respondent(s): Mr.P.Siddarth, Govt. Counsel for
R1 and R2
Mr.P.Balathadayutham for R3
Mr.B.Vijay for
Mr.J.Chandrakanthan for R4

ORDER



This writ petition has been filed challenging the order of the third respondent in Na.Ka.No.175/2025 dated 7.3.2026 and quash the same and consequently direct the respondents 1 to 3 to initiate appropriate action against the 4th respondent for cancellation of the building plan approval /Building Licence issue by the 3rd respondent to the 4th respondent vide, the Final Approval Letter in Roc.No.175/2025 granting permission to construct commercial building at thumbulavar street, Karunkuzhi Maduranthakam, chengalpattu, in Building survey No.433 subdivision, 5 and 6.

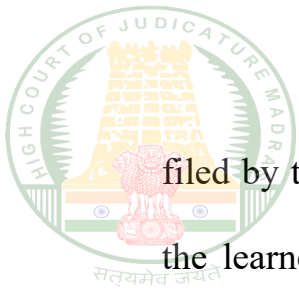
2. It is the case of the petitioner that the petitioner's father has purchased 0.04 cents out of 0.05 cents in Dry.S.No.433/6, New Dry S.No.433/6B at Karunkuzhi Village, Marunthagam Taluk, Chengalpattu District in the year 1982 and has been enjoying 0.01 cent in S.No.433/6B on the Eastern Side as a Common Pathway and the same is a common lane for the owners of the land in S.No.433/5 and 433/6 which was being used as a Common Narasam. The remaining extent of 0.15 cents in Dry S.No.433/6 which was later sub-divided as New Dry S.No.433/6A belongs to one other person namely Sundarababu and it is lying on the western side of New Dry S.No.433/6B. In the year 2003, fourth respondent herein purchased land adjacent to the Common Narasam, on the eastern side, bearing S.No.433/5, after such purchase by the fourth respondent, she claimed that she has also purchased some extent in S.No.433/6 and started encroaching the common lane. The fourth respondent is having patta only to an extent of 3 ares in S.No.433/5 and she does not possess patta for S.No.433/6,



however, she has started claiming that she has purchased 4469 sq.ft., of land falling in S.No.433/5 and 433/6. The petitioner's father filed a suit in O.S.No.318 of 2004 on the file of the learned District Munsif Court, Maduranthagam for a permanent injunction restraining the fourth respondent from interfering with peaceful enjoyment of the said common narasam. The said suit was decreed. Appeal was filed by the fourth respondent and the suit was dismissed. Against which, second appeal is filed in S.A.No.1317 of 2013 by the petitioner's father and a Cross Appeal is filed by the fourth respondent in Cross Appeal No.44 of 2018.

3. During the pendency of the said civil proceedings, the fourth respondent obtained planning permission from the third respondent for putting up construction in 4469 sq.ft., in S.No.433/5 and 433/6 and taking advantage of the said planning permission, she again started construction activities covering the common narasam situated in S.No.433/B which is the subject matter of the civil proceedings. Thereafter, the fourth respondent has given approval for planning permission. In this regard, the petitioner sent a representation for cancellation of the planning permission, however, the said application was rejected. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that admittedly, the portion of the property which was encroached by the fourth respondent was questioned before the Civil Court and the said suit was decreed, first appeal was dismissed, second appeal filed by the petitioner's father and Cross Appeal is



filed by the fourth respondent and the same are pending. It is the contention of the learned counsel for the petitioner that during the pendency of the second appeal and cross appeal, the official respondents have no power for granting building permission which is impermissible in law. Hence, seeks for allowing this writ petition.

5. The learned counsel for the fourth respondent submitted that admittedly, the petitioner has filed suit only seeking permanent injunction and not a suit for deciding the title. Initially, the suit was decreed and on appeal, the decree and judgment was set aside and as against which, the petitioner's father has filed a second appeal and the fourth respondent has also filed Cross Appeal. Further, in the absence of any interim order from the Court, the planning permission granted by the official respondent cannot be found fault with. Hence, seeks for dismissal of this writ petition.

6. Heard both sides and perused the materials placed on record.

7. As rightly pointed out by the learned counsel for the fourth respondent, admittedly, the suit has been filed only for permanent injunction and not for declaration of common pathway. Initially, the said suit was decreed vide decree and judgment in O.S.No.318 of 2004 on the file of the learned District Munsif Court, Madurantakam, however, on appeal, the decree and judgment was set aside in A.S.No.25 of 2011 vide decree and judgment on 14.08.2012 on the file of the learned Sub Judge, Madurantakam. The petitioner's father has filed second appeal in S.A.No.1317 of 2013 and a Cross Appeal is filed by the fourth



respondent in Cross Appeal No.44 of 2018 and both are pending. It is relevant to note that the petitioner has filed the suit only for permanent injunction and not for any declaration of common pathway, that apart, when there is no interim order restraining the official respondents, the official respondents granting planning permission to the petitioner cannot be found fault with. Hence, I do not find any merits in this writ petition.

8. Accordingly, this writ petition stands dismissed. Liberty is granted to the petitioner to file appropriate application in the pending Second Appeal. No costs. Consequently, connected miscellaneous petitions stand closed.

19-06-2026

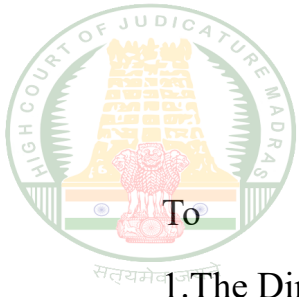
dhk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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M.DHANDAPANI J.

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