

W.P.No.43768 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.43768 of 2025

and WMP.No.48877 of 2025

S.Ramachandran
Door No 26/31, Kamaraj Nagar 1st
Street (Asiriyar Street) Vyasarpadi,
Chennai 600 039 Represented By His
Registered Power of Attorney Holder,
N.Balasubramani, S/o T. Narayanan,
Residing At Old No 3/2 New No 5/2,
Seethammal Colony 2nd Main Road,
Alwarpet, Chennai 600 018

Petitioner(s)

Vs.

1. The Member Secretary
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarjan Building No.1
Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.The Chief City Planner
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarjan Building No.1
Gandhi Irwin Road,
Egmore, Chennai 600 008.



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3. The Assistant Planner (North)
Chennai Metropolitan Development
Authority (CMDA)
Thalamuthu Natarjan Building No.1
Gandhi Irwin Road,
Egmore, Chennai 600 008.

Respondent(s)

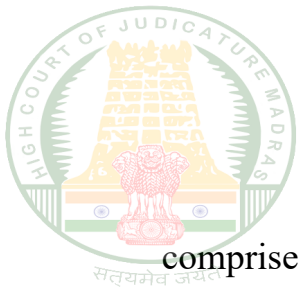
Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings before the 3rd respondent in File No.CMDA/PP/NHRB/N/0872/2024 dated 30.06.2025, quash the same and direct the 2nd and 3rd respondents to consider the application filed by the petitioner for planning permission approval in accordance with the Continuous Building Area (CBA) norms as per the provisions of Second Master Plan Development Control Regulations, 2008.

For Petitioner : Mr.S.Muthukumaravel

For Respondents : Mr.V.Sudalai Selvan

ORDER

The petitioner challenges the proceedings dated 30.06.2025 issued by the third respondent, whereby the petitioner's application seeking planning permission for the construction of a Stilt + 5 Floors residential building (height: 18.30 metres) comprising 10 dwelling units at Door No.26/31 (Plot No.31), Kamaraj Nagar, 1st Street (Asiriyar Street), Vyasarpadi, Chennai – 600 039,



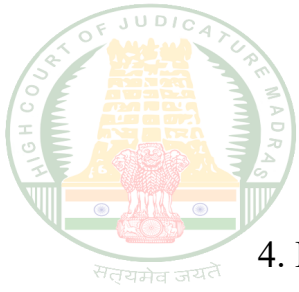
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comprised in R.S. No.786/90, Block No.44 of Perambur Village, was returned

with a direction to submit a modified plan.

2. The subject property was originally allotted to the petitioner by the Industrial Employees Co-operative Housing Society Limited. The property forms part of an approved residential layout developed under the **North Madras Neighbourhood Scheme**, Vyasarpadi. The allotment traces back to the year 1970. Subsequently, the area, including the subject property, came within the jurisdiction of the Chennai Metropolitan Development Authority (CMDA), which published the Master Plan in the year 1975. In the said Master Plan, the subject property has been classified as falling within the **Continuous Building Area**. This classification is not in dispute and has, in fact, been admitted by the respondents in paragraph 6 of the counter affidavit.

3. The petitioner submitted an application seeking planning permission for the construction of the proposed residential building by claiming the benefits applicable to properties situated in the Continuous Building Area. However, by the impugned proceedings, the application was returned with a direction to submit a modified plan.



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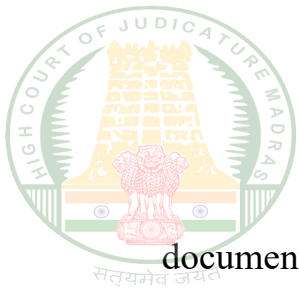
4. Heard the learned counsel appearing for the parties.

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5. Section 15(4) of the Tamil Nadu Combined Development and Building Rules, 2019 provides that every Detailed Town Planning Scheme sanctioned under the Town Planning Act, 1920 shall stand superseded by the Master Plan or the Detailed Development Plan approved for the area, and all developments thereafter shall be regulated with reference to the land use classification indicated in the Master Plan or the Detailed Development Plan, together with the applicable Development Regulations.

6. A plain reading of the aforesaid provision makes it clear that once a Master Plan or Detailed Development Plan comes into force, any earlier Town Planning Scheme stands superseded, and development of lands covered by such scheme is thereafter governed by the land use classification contained in the prevailing Master Plan.

7. The petitioner has placed on record the sale deed executed by the Tamil Nadu Housing Board in favour of the Industrial Employees Co-operative Housing Society Limited pursuant to G.O.Ms.No.714 dated 19.06.1971. The



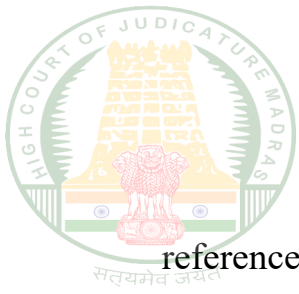
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documents disclose that a large residential layout was developed under the

North Madras Neighbourhood Scheme, Vyasarpadi, and the subject property forms part of the said layout, which itself was developed pursuant to the Government-approved scheme.

8. The petitioner's application has been returned on the ground that the subject property forms part of an approved layout and not of a scheme and, therefore, is not entitled to the planning benefits available to properties situated in the Continuous Building Area.

9. In the counter affidavit, the respondents have admitted that the subject property falls within the Continuous Building Area. Their only contention is that the site forms part of a DTCP-approved layout and not of a scheme. This contention cannot be accepted. The materials placed on record clearly establish that the approved layout itself was developed pursuant to the Government-approved **North Madras Neighbourhood Scheme**. Once the Master Plan classifies the property as falling within the Continuous Building Area, Section 15(4) of the Tamil Nadu Combined Development and Building Rules, 2019 mandates that the application for planning permission shall be considered with



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reference to the land use classification contained in the Master Plan.

Consequently, the petitioner is entitled to have the application considered by extending the benefits applicable to the Continuous Building Area.

10. In view of the above, the impugned proceedings dated 30.06.2025 issued by the third respondent cannot be sustained and are liable to be set aside.

11. Accordingly, the writ petition is allowed. The impugned proceedings dated 30.06.2025 issued by the third respondent are hereby set aside. The third respondent is directed to reconsider the petitioner's application for planning permission by extending the benefits applicable to the Continuous Building Area in accordance with the land use classification contained in the prevailing Master Plan and pass appropriate orders in accordance with law. The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

29.06.2026

Index : Yes/No

Speaking order : Yes/No

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HEMANT CHANDANGOUDAR.J.,

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