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WP No. 43852 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 43852 of 2025

AND

WMP No. 48966 OF 2025

1. N. Uma
W/o.D.Nandhakumar
No.18/80, V.V.Koil Street, Kosapet,
Chennai-600 012.
2. S.Lakshmi
W/o.Subramani
No.9/43, Arumalaichavadi
Thulasinga Mudaliyar Street,
Pallavaram, Kancheepuram-600 043.
3. M.Meenakshi
W/o.Muruga,
Pillaiyar Koil Street, Puducherry, Sumangalam,
Kancheepuram.
4. C.Sangeetha
W/o.Chandrasekar
No.5/6, 2nd Main Road, Otteri Extension,
Vandalur, Kancheepuram - 600 048.

..Petitioner(s)

Vs

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Block Development Officer
Shanmuga Nagar, Padapei,
Tamilnadu-601 301.



3. The Executive Engineer
PWD Water Resources Organisation,
Collectorate Office Campus
Lower Palar Basin Division, Vadavasi Road,
Kancheepuram - 631 501.
4. The Assistant Engineer
Kundrathur, Padapei,
Tamil Nadu - 601 301.
5. The Personal Assistant (Agriculture)
Collector Office, Kancheepuram - 631 501.
6. The Assistant Director
Town And Country Planning,
No.335/95, Kotrampalayam Street
Kancheepuram - 631 501.
7. The Revenue Divisional Officer
Sriperumbudur,
No.20/B, V.R.P.Chatram
Sriperumbudur - 602 105.
8. The Tahsildar
Kundrathur Taluk Office
Mehta Nagar Main Road, Kundrathur,
Chennai-600 069.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in proceedings No.Na.Ka.COLKPM/3694/2023/A3 dated 24.4.2025 and quash the same and direct the first respondent to issue a no objection certificate to the petitioners in order to obtain DTCP approval for plot layout and construction of residential buildings in the plots situated at Survey Nos.48/7A, 48/7B, 48/7C,48/7D and 48/3 admeasuring 60 cents in total in Kundrathur Taluk, Puducherry village, Kancheepuram District and pass orders.



For Petitioners:

Mr.S.Karthik Balan
for Mr.S.Sandeep

For Respondent(s):

Mr.D.Gopal
Government Advocate for R1, R3 to R8
Mr.P.Ganesan
Additional Government Pleader for R2
[No appearance]

ORDER

The above writ petition has been filed seeking to quash the order passed by the first respondent, in and by which the first respondent had refused to grant a “No Objection Certificate” to the petitioners for obtaining DTCP approval for plot layout and construction.

2. The short facts that led to the filing of the writ petition are as follows :

(a) The petitioners are the joint owners of the property comprised in Survey Nos.48/7A, 48/7B, 48/7C, 48/7D and 48/3 of Kundratur Taluk, Puducherry Village, Kancheepuram District. The property had devolved on the petitioners who are the sisters under the Family Partition Deed dated 18.07.2008. The total extent of the said property is 60 cents and each of the petitioners were entitled to 15 cents in the said property. The petitioners had been in possession and enjoyment of the said land since from the date of allotment.

(b) While so, the petitioners decided to construct a residential building in



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the said property and therefore, had submitted a representation dated 22.05.2023 to the first respondent requesting him to issue a 'No Objection Certificate' to enable them to obtain DTCP approval. In the communication, the petitioners have clearly mentioned that the lands were barren and no agricultural activities were carried out in the said lands for over five years.

(c) The first respondent had directed the respondents 2,3,5 to 7 herein to go through the records and submit a detailed report with necessary documents and topography sketch. A copy of the same was forwarded to the petitioner as well as to the Tahsildar, Kundrathur, the 8th respondent herein.

(d) The second respondent in his proceedings dated 16.10.2023 bearing Na.Ka.No.4236/2023/A3, had submitted a report stating that on the survey being conducted, a mud road was found adjacent to petitioner's land and further he had stated that there were no water body or crematorium or high tensile wires running across these lands. This report was based on the report of the 4th respondent dated 05.10.2023.

(e) Thereafter, the first respondent by the impugned order dated 24.04.2025 has rejected the request of the petitioners by stating that to the east of the property, lies a Government poromboke land in Survey No.41 and a Panchayat road also runs between Naduveerapattu and Manimangalam Villages. The impugned order also states that there



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was no access to the property since the poromboke land lies between the road and the petitioner's property and declined to grant “No Objection Certificate”.

Aggrieved by the impugned order of the first respondent, the petitioners are before this Court.

3. The petitioners would refute the above contentions and would submit that the lands situated in Survey No.41 is a single piece of land, which has not been sub-divided and that there is a tar road running between Naduveerapattu and Manimangalam Villages, which is being used by the petitioner and general public for over three decades. They would contend that even in the report of the second respondent, there is a mention about the mud road running adjacent to the petitioner's property. The petitioner would also contend that the report of the second respondent and impugned order are contrary to each other, as the report of the second respondent would state that a mud road runs adjacent to their property whereas the impugned order states that there exists a poromboke land in between the land and the road. The petitioners would also reiterate that the adjacent land owners are using the very same tar road to have access to their property. Therefore, the rejection stating that a Government poromboke land lies in Survey No.41 appears to be totally contrary to the report of the second respondent. Hence, the petitioner has come forward with the above writ petition.



4. The Tahsildar, Kundrathur Taluk, the 8th respondent has filed the counter affidavit. The counter of the 8th respondent more or less reiterates the contents of the impugned order, stating that there lies a Government poramboke land between the tar road and the petitioners' property and therefore, there exists no direct access to the road from the petitioners' property.

5. Pending the writ petition, an Advocate Commissioner was appointed by orders of this Court dated 26.11.2025, and he has filed his report. The relevant portion of his report would read as follows :

“6. I submit that, as per my inspection, it is found that from the first corner of the petitioner's property to the panchayat road it measures about 17 meters and from the second corner of the petitioner's property to the panchayat road it measures about 19 metres.

7. I submit that as far as the physical features of the Government Thoppu poramboke is concerned, there is encroachment done by the adjacent plot owners and the adjacent plot owners are using the Government Thoppur poramboke land as a way to access the panchayat road for their business purposes. It is also found that at present there is only 4 meters of road in Puducherry village available in the adjacent plot owner's company and the entire thoppu poramboke land was encroached and the same has been mentioned in the report filed by the Surveyor of



Padappai Firka, Kundrathur Taluk. The picture of the physical features of the petitioner's land and Government Thoppu poramboke are also enclosed herewith.

Thus, after I inspected the property, in the presence of Firka Surveyor and Village Assistant of Padappai Firka, Kundrathur Taluk, it is clearly submitted that the first corner of the petitioner's property to the panchayat road is 17 meters and there is 19 meters of distance between the second corner of the petitioner's property to the panchayat road and also hereby confirming the measurement and reports submitted by the Surveyor of Padappai Firka, Kundrathur Taluk is true and accurate in accordance with the inspection done by us.”

6. Heard the counsel on either side and also perused the records as also the report, photographs and sketch submitted by the Advocate Commissioner.

7. The property which is the subject matter in issue, is situated in Survey No.41. The pathway running between Naduveerapattu and Manimangalam is also in Survey No.41. The disputed land is a portion situated between the petitioners' property and this road. The second respondent in his communication addressed to the first respondent bearing Na.Ka.No.4236/2023/A3, dated 10.2023 (signed on 16.10.2023) with a copy marked to the petitioners has stated as follows in paragraph No.2 therein :



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"மேற்படி, பார்வை-2ல் காணும் இவ்வலுவலக உதவிப்பொறியாளர் அவர்களின் கள ஆய்வு அறிக்கையின்படி, பூந்தண்டலம் ஊராட்சி, புதுச்சேரி கிராமம் புல எண்-48/7A மற்றும் சில, பரப்ப, 0.60 செண்ட் கொண்ட நண்செய் நிலத்தினை கள ஆய்வு, மேற்கொண்டதில், மேற்படி இடத்திற்கு ஊராட்சிக்கு சொந்தமான மண் சாலை அணுகு சாலையாக உள்ளது. இந்த இடத்தில் எந்த நீர்நிலைகளும் இல்லை. மேற்படி இடத்தில் இடுகாடு மற்றும் சுடுகாடு ஏதுமில்லை. மேலும் குறைந்த (ம) உயர்மின் அழுத்த கம்பிகள் ஏதும் செல்லவில்லை என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்."

The report clearly describes the disputed land as "approach road". It is also seen from the report of the Advocate Commissioner that all the owners of the land adjacent to that of the petitioners are accessing the road only from this stretch called the approach road and in some cases, the owners have encroached into the said lands and put up constructions thereon. Therefore, the respondents cannot take umbrage under the description of the said property as "thoppu (grove) poromboke" in the revenue records as the same is being used as approach road, road margin etc.,

8. It has been time and again held by the Courts that a person has a right of access to roads from any point on their lands. In the judgment in *Municipal Board, Mangalore v. Mahadeoji Maharaj* reported in *AIR 1965 SC 1147*, the Hon'ble Supreme Court had observed that there is an inference that the side-lands are included in the public way. The Hon'ble Judges has also observed



that there is an inference of dedication of highway to the public on account of long user. The Hon'ble Supreme Court has observed as follows :

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“The width of the highway so dedicated depends upon the extent of the user. The side-lands are ordinarily included in the road, for they are necessary for the proper maintenance of the road.”

In that case, the Hon'ble Supreme Court, after holding that the lands in question belonged to the Municipality, restrained them from putting up any structures in the said extent of land abutting the road.

9. This Court in the judgment in ***Damodara Naidu v. Thirupurasundari Ammal*** reported in ***AIR 1972 Mad 386***, had observed as follows :

“ The right of owners of land adjoining the highway to go upon the highway from any point on their land is a private right distinct from his right to use the highway as a member of public. If the right to access is obstructed by anyone the owners of the land abutting the highway are entitled to maintain action for the injury, whether the obstruction does or does not constitute a public nuisance. Hence where the plaintiff's right to such access is completely obstructed by the defendants by putting up a wall, they are entitled for a mandatory injunction directing the defendants to remove the wall when there is no proof that they had abandoned their right of access to public highway on the side of the wall.”

10. In ***Bharathamatha Desiya Sangam Madha-varam v. Roja Sundaram***



reported in ***AIR 1987 Mad 183***, the Court was considering the right of the first respondent therein to access the street on the north from every point along A-D line free of obstructions. The Court had observed as follows :

“ There is no dispute that Sundara Vinayakar Koil Street is a public street. Owners of houses of premises abutting a roadway are entitled to have access to that roadway from all points on the boundary of their land and if any obstruction is caused over the road margin securing such access, the person entitled to have such access can certainly enforce that right.”

11. This position of law was reiterated by this Court in ***K.V.K.Janardhanan Vs State of Tamil Nadu and Ors.***, reported in ***1995 (1) LW.451***, where the learned Judge after extracting the ratio laid down in various cases, proceeded to hold as follows :

“9. It is clear from the ratio laid down in the above decisions that neither the Government nor the Municipality or any local body has got every right to put up any obstruction over the public street so as to prevent it from having any access to the adjoining land. It has been repeatedly held that the owner of the land adjoining the public street has got a right of access at every point where his or her land adjoins public street.”

12. This position was once again reiterated in ***K.Pichai Mohideen Vs. M.K.M.Abdul Hakkim*** [1997 (3) CTC 461], which reads as follows :



“ 20. This presumption is stronger when the pathway is stated as common to owners adjoining the pathway and not to the public at large. There are number of decisions which show that if a person owns a property adjoining a highway belonging to the Government or by the local bodies, the person owning the property abutting the Highway Road is entitled to have access to the Highway from each and every point of his property.”

13. Therefore, from a reading of these judgments, it is clear that the petitioners are entitled to have access to the panchayat road from any point from their property. Since the petitioner is entitled as a matter of right to access over the disputed land, there is no necessity for the petitioner to hand over their private lands in lieu of the disputed land.

14. In the light of the above observations, the impugned order passed by the first respondent dated 24.04.2025 rejecting the request of the petitioner on the ground that the property in question is a 'thoppu poromboke' cannot be sustained, more particularly, when the entire panchayat road running from Manimangalam to Naduveerapattu villages, situated in the very survey number has been described as 'approach road'. Accordingly, the writ petition is allowed and the impugned order of the first respondent dated 24.04.2025 is set aside. The first respondent is directed to issue necessary 'No Objection Certificate' to the petitioner for the purpose of obtaining DTCP approval for



plot layout and construction of residential buildings in the subject property,
within a period of four weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

09-02-2026

DS



To:

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Block Development Officer
Shanmuga Nagar, Padapei,
Tamilnadu-601 301.
3. The Executive Engineer
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