



W.P(MD)No.20471 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20471 of 2026

O.Chandran

... Petitioner

Vs

1.State of Tamil Nadu,
Represented by the Secretary to Government,
Housing Board Municipal Administration Department,
St. Fort George,
Chennai.

2.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
CMDA Office Complex,
E and C Market Road,
Srinivasa Nagar, Virugambakkam,
Koyambedu, Chennai.

3.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the first respondent in his proceeding in Letter No. 13166741/Na.Va.5(1)/2026-1, dated 13.04.2026 and quash the same as illegal and consequentially direct the first respondent to dispose of the appeal dated 10.12.2025 preferred by the petitioner on merits in accordance with law dehors the period of limitation within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mrs.K.R.Shiva Shankari
Counsel for State

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent dated 13.04.2026 and consequently directing the first respondent to dispose of the appeal dated 10.12.2025 preferred by the petitioner on merits, in accordance with law, dehors the question of limitation, within such time as may be stipulated by this Court.



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2.The learned counsel appearing for the petitioner submitted that the petitioner had preferred an appeal dated 10.12.2025 under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971. It is contended that the said provision contemplates that the appellate authority shall afford the parties an opportunity of making their representations before passing any order. However, without issuing any notice or affording an opportunity of personal hearing to the petitioner, the first respondent passed the impugned order dated 13.04.2026, dismissing the appeal solely on the ground that it had been preferred beyond the period of limitation. According to the learned counsel, the impugned order is liable to be set aside as it has been passed in violation of the principles of natural justice. Hence, the present Writ Petition.

3.Per contra, the learned counsel for State appearing for the respondents submitted that the appeal preferred by the petitioner was barred by limitation and, therefore, the first respondent was justified in rejecting the same. It is further submitted that the impugned order does not warrant any interference by this Court.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel for State appearing for the respondents. This Court has also perused the materials available on record.

5. A perusal of Section 79 of the Tamil Nadu Town and Country Planning Act, 1971, makes it clear that before disposing of an appeal, the appellate authority is required to afford the parties an opportunity of making their representations. In the present case, the impugned order reveals that the appeal was dismissed solely on the ground of limitation, without issuing notice to the petitioner or affording an opportunity of hearing. Such a course adopted by the first respondent is in clear violation of the principles of natural justice. It is well settled that whenever the statute contemplates an opportunity of hearing before passing an adverse order, the same cannot be dispensed with.

6. In view of the above, the impugned order dated 13.04.2026



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passed by the first respondent is set aside. The matter is remitted to the first respondent for fresh consideration. The first respondent shall issue notice to the petitioner, afford an effective opportunity of hearing, consider all the contentions, including the question of limitation, and thereafter pass appropriate orders on the appeal on its own merits and in accordance with law, uninfluenced by any of the observations made in this order, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

20.07.2026

NCC : Yes / No

Index : Yes / No

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M.DHANDAPANI, J.

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