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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

and

THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.P.(MD)No.22722 of 2026

and

W.M.P.(MD).No.16909 of 2026

S.Thangaselvi

: Petitioner

Vs.

1.The Joint Director,
District Town and Country Planning,
Xavier Colony,
South Bye Pass Road,
Tirunelveli-627 005.

2.The Executive Officer,
Sankarnagar Special Grade Panchayat,
Tirunelveli.

: Respondents

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari and Mandamus, by calling for the entire records pertaining to the proceedings of the 1st respondent in Na.Ka.No. 1896/2025/ThiLiMaa3 dated 30.07.2026 and quash the same and consequently direct the 1st respondent not to harass the petitioner under the guise of invoking his powers under the provisions of the Town and Country Planning Act 1971 in respect of his buildings situated in Survey No. 431/1A1A, Naranammalpuram Village Part - I, Tirunelveli Taluk and District.



For Petitioner : Mr.R.Anand

For R-1 & R-2 : Mr.M.Mahaboob Athiff,
Special Government Pleader

ORDER

(Order of the Court was made by **N.DILIP KUMAR.J.**)

This writ petition has been filed seeking a writ of Certiorarified Mandamus; the petitioner has challenged the proceedings of the Joint Director of Town and Country Planning dated 30th July 2026 and had also sought for a consequential direction that the first respondent shall not harass the petitioner in the guise of invoking his powers under the provisions of Town and Country Planning Act in respect of the buildings situated in Survey No.431/1A1A, Narammalpuram Village Part-I, Tirunelveli Taluk.

2. The case of the writ petitioner as seen from the affidavit and also as argued by the learned counsel appearing for the writ petitioner is that the property in question belongs to the writ petitioner; he had obtained valid building plan approval from the second respondent vide proceedings dated 28th March 2024 and another proceedings dated 10th August 2024 and he had put up a superstructure over an extent of 9,450 square feet.



3. The writ petitioner would contend that out of political vendetta and motive, his political rival, Mr.A.Mariappan, has filed writ petitions, more particularly, the writ petition in W.P.(MD).No.17526 of 2025 and other complaints before the various authorities alleging that the writ petitioner has encroached certain Government Poramboke land and also that the constructions is unathorized or there had been deviations. Agreed upon those complaints, the respondent had issued the present impugned proceedings.

4. The writ petitioner also informs this Court that he earlier came before this Court and one of us sitting single in W.P.(MD).No.21182 of 2026 vide order dated 28.07.2026 has directed the first respondent to consider the case of the petitioner in the light of his representation dated 17.07.2026 and pass appropriate orders on merits and in accordance with law within a period of six weeks and accordingly, the present impugned proceedings has been passed.

5. It is argued by the learned counsel appearing for the petitioner that the subject property is situated in a non-planning area and that having obtained valid approval from the local authority, there is absolute lack of jurisdiction within the first respondent to issue the impugned proceedings contemplating the conducting of an inspection on 11th August 2026. In this regard, he invites our attention to the provisions contained in the Tamil Nadu Town and Country



Planning Act, particularly, in reference to Section 47-A of the Tamil Nadu Town and Country Planning Act and also Section 2(30) of the said provisions which reads as follows:

“47-A. Development of land in an area other than planning area.-

(1) Any person intending to carry out any development on any land in an area other than planning area shall make an application in writing to the local authority for permission in such form and containing such particulars and accompany such documents as may be prescribed.

(2) The local authority shall before according permission under subsection (1), shall obtain the prior concurrence of the Director and shall also collect such fees at such rate as may be prescribed: Provided that in the case of wet lands, the prior concurrence of the Collector of the District concerned is necessary.

(3) The Collector shall give his prior concurrence to the local authority under sub-section (2), upon fulfillment of such guidelines as may be prescribed.

(4) Where any development of land has been carried out,-

(a) without permission required under this section; or
(b) in contravention of any permission granted or of any condition subject to which permission has been granted; or

(c) after the permission for development of land has



been duly revoked; or

(d) in contravention of any permission which has been duly modified. the local authority shall exercise the powers of the appropriate planning authority under sections 56 and 57 with such modifications as may be necessary.

the local authority shall exercise the powers of the appropriate planning authority under sections 56 and 57 with such modifications as may be necessary.”

“2.(30). planning area” means any area declared to be a regional planning area, local planning area or a site for a new town under this Act; “

6. Therefore argued that insofar as the development that had happened in a non-planning area, there is absolute lack of jurisdiction for the Joint Director even to issue a notice for inspection.

7. Per contra, the learned Special Government Pleader would argue that the officer has rightly observed in his impugned proceedings that the proposals are pending with regard to the notification of the subject land as a planning area and it is in the final stage. Even otherwise, it is only a notice of inspection and if at all there is no deviation, the petitioner need not shy away from an inspection being carried on. The very factor that the petitioner is apprehensive even of an inspection would indicate that there are series of



deviations which even more necessities the inspection to be carried out.

Accordingly, he prays for dismissal of the writ petition.

8. In view of the order going to be passed, we do not deem it necessary to issue a notice to the second respondent.

9. A cursory reading of the statutory provisions make it evidently clear that there is no jurisdiction available with the first respondent to carry out an inspection in a non-planning area. Even in the impugned proceedings, the authority has rightly recorded as follows:

□நகர் ஊரமைப்புத் துறை திருநெல்வேலி உள்ளூர் திட்டப் பகுதிக்கு முழுமைத்திட்டம் தயார் செய்வது தொடர்பாக தமிழ்நாடு நகர் ஊரமைப்பு சட்டம் 1971 பிரிவு 10 உட்பிரிவின் (1)(b)-ன் படி திருநெல்வேலி மாநகராட்சிப் பகுதி நாரணம்மாள்புரம் பேரூராட்சி, சங்கர்நகர் பேரூராட்சி மற்றும் இவைகளைச் சுற்றியுள்ள திருநெல்வேலி வட்டத்தில் அமையும் 40 வருவாய் கிராமங்கள், மானூர் வட்டத்தில் அமையும் 23 வருவாய் கிராமங்கள், பாளையங்கோட்டை வட்டத்தில் அமையும் 39 வருவாய் கிராமங்களை உள்ளடக்கிய 861.97 சதுர கிலோ மீட்டர் நிலப்பகுதியினை திட்டப்பகுதியாக அறிவிக்கும் உத்தேசத்தினை அரசாணை எண் 178, வீட்டு வசதி மற்றும் நகர்ப்புற வளர்ச்சி (நவ4(2) துறை, நாள்.08.11.2017-ன் மூலம் அறிவிக்கப்பட்டு, மேற்கண்ட திட்டப்பகுதியினை அரசாணை எண்.173 வீட்டு வசதி மற்றும் நகர்ப்புற வளர்ச்சி (நவ4(2)) துறை, நாள்.08.11.2017-ன் மூலம்



உறுதி செய்து அரசாணை வெளியிடப்பட்டுள்ளது. அதனைத் தொடர்ந்து மேற்கண்ட திட்டப்பகுதிக்கு நகர் ஊரமைப்புத் துறை முழுமைத்திட்டம் தயார் செய்து நகர் ஊரமைப்பு சட்டம், 1971, பிரிவு 24 மற்றும் உட்பிரிவு 2-ன் கீழ் அரசிடம் இருந்து அரசாணை எண்.10, வீட்டு வசதி மற்றும் நகர்ப்புற வளர்ச்சி (நவ4(2)) துறை, நாள்.08.11.2017-ன் மூலம் இசைவு பெறப்பட்டு, மேற்கண்ட சட்டப்பிரிவு 26-ன் கீழ் பொது மக்களிடம் இருந்து ஆலோசனை மற்றும் ஆட்சேபனைகள் கோரிப் பெறப்பட்டு இறுதி ஒப்புதல் பெற அரசிற்கு சமர்ப்பிக்கும் நிலையில் உள்ளது.□

10. He has categorical that the proposals are contemplated and it is in the final stage and it has not yet been brought under the planning area and admittedly the said area is not situated in a planning area rather it is a non-planning area and accordingly, for the land situated in the non planning area, the local body which is the competent authority has already granted proper building plan approval and other planning permission to the writ petitioner vide proceedings dated 28th March 2024 and had also issued a completion certificate in favour of the writ petitioner on 10th August 2024.

11. In view of the clear legal position, the impugned notice of inspection issued by the first respondent is held as without jurisdiction and accordingly, the proceedings issued by the first respondent in Na.Ka.No. 1896/2025/ThiLiMaa3 dated 30th July 2026 is hereby set aside.



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12. In the result, this writ petition stands allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]

14.08.2026

Index:Yes/No

Internet:Yes/No

TSG

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**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

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