



W.A.No. 3224 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3224 of 2024
and
C.M.P.No. 24929 of 2024

1.R.Dhandapani

2.D.Karthikeyan

...Appellants

Vs.

1.L.Muruganantham

2.The State of Tamilnadu,
Represented by its Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Opposite to LIC, Chengalvarayan Building,
Fourth Floor, 807, Anna Salai,
Chennai - 600 002.

4.The Deputy Director of Town and
Country Planning Salem REgion,
6, Sannathi Street, Subramani Nagar,
Salem - 636 005.



5.The Deputy Director,
District Town and Country Planning Office,
1st Floor, Kumaran Commercial Complex,
Tiruppur - 641 601.

6.The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District - 638 656.

7.The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Dharapuram, Tiruppur District - 638 656.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.10.2024 made in W.P.No.7760 of 2023.

For Appellant : Mrs.Dhakshayini Reddy, Standing Counsel
For Mr.K.V.Sajeevkumar

For Respondents : Mr.P.Kumaresan,
Additional Advocate General assisted by
Ms.S.Anitha, Special Government Pleader
for R2 to R5

Mr.C.Selvaraj
Additional Government Pleader for R6

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellants are aggrieved by the order of the Writ Court, directing restoration of a portion of the road which, according to the 1st respondent was obstructed by the appellants.



2. It is the claim of the appellants that the land in Survey No.21/11 though was shown as a proposed road in the scheme, the said scheme was dropped and therefore, the same cannot be treated as a road but, the Writ Court had found that the appellants had obtained a planning permission for construction of a special building (an educational institution) with ground + two floors on the premise that the property is having road frontage for the entire stretch by depicting the land in Survey No.21/11/ as a road.

3. After having obtained a planning permission showing the portion of the land as a road, the appellants have now blocked a portion of it and converted it for their private use. This prompted the 1st respondent to file the writ petition. The Writ Court found that having shown that part of the land as a road and as access to the school building, the appellants cannot now seek to block a portion of it and convert into a private land on the ground that the detailed development plan has been dropped. The essential requisite for grant of planning permission for a special building, particularly, an educational institution is that it must have access to a 40 feet road at least on one side. In order to comply with the said requirement, the appellants chose



W.A.No. 3224 of 2

to show that portion of the land in Survey No.21/11 which abuts their school building on the west as a road and obtained a sanction for construction of the school building.

4. After having obtained sanction, showing the portion of the land as road, the appellants cannot claim that it is their private land and they are entitled to use as a private land thereby preventing access to others. The Writ Court specifically found that the appellants had acknowledged that this land is a public road while submitting the plan for construction of the building. If that be so, they cannot be allowed to claim that it is their property and fence it so as to prevent access to others. We therefore, do not find any merit in the appeal. This Writ Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)

12.12.2024

kkn

Internet: Yes

Index: No

Speaking order

Neutral Citation : No

4/6



To:

WEB COPY

1. The State of Tamilnadu,
Represented by its Secretary to the Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Opposite to LIC, Chengalvarayan Building,
Fourth Floor, 807, Anna Salai,
Chennai - 600 002.
3. The Deputy Director of Town and
Country Planning Salem REgion,
6, Sannathi Street, Subramani Nagar,
Salem - 636 005.
4. The Deputy Director,
District Town and Country Planning Office,
1st Floor, Kumaran Commercial Complex,
Tiruppur - 641 601.
5. The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District - 638 656.
6. The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Dharapuram, Tiruppur District - 638 656.



WEB COPY



W.A.No. 3224 of 2

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

W.A.No. 3224 of 2024
and
C.M.P.No. 24929 of 2024

12.12.2024