



W.P.No.10498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.10498 of 2024
and W.M.P.Nos.11501 and 11502 of 2024

Diamond City Residents Welfare Sangam
Regn .No.SRG/Coimbatore-South/4/24,
Rep. by its President, G.Senthil Vadivel,
S/o.Gopalsamy,
No.106, 107, Diamond City,
New Railway Bridge, Vadugapalayam,
Pollachi 642 001, Coimbatore District

Petitioner

Vs

- 1.The Member Secretary/
Joint Director (I/c)
Coimbatore District Town and Country
Planning Office,
No.50, Ground and First Floor,
FCI Road, Gandhimaa Nagar, Ganapathy,
Coimbatore 641 004
- 2.The Assistant Director
Coimbatore District Town and Country
Planning Office,
No.50, Ground and First Floor,
FCI Road, Gandhimaa Nagar, Ganapathy,
Coimbatore 641 004



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3.The Commissioner
Pollachi Municipality, Pollachi,
Pollachi Taluk, Coimbatore District

4.C.Shanthakumar
No.67, PNG Nagar,
Mahalingapuram Post,
Pollachi 642 002
Coimbatore District

5.S.Jothimani
No.67, PNG Nagar,
Mahalingapuram Post,
Pollachi 642 002
Coimbatore District

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings SWP/LP/R(C) No.127/2023 and SWP/BP/DTCP/R(C) No.25/2023 dated NIL and consequential order issued by the 3rd respondent for building plan approval in his proceedings No.076/BL/2023/00103 dated 26.06.2023 and quash the same.

For Petitioner: Mr.C.Prakasam

For Respondent(s): Mr.K.Karthik Jagannath
Government Advocate
for respondent Nos.1 and 2

Mr.B.Anand
Standing Counsel
for respondent No.3



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Mr.S.Mukunth
Senior Counsel
for Ms.S.Akila
for respondent Nos.4 and 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. The correctness and validity of the action of the respondent authorities in granting building approval and permitting construction of Kalyanamandapam in the area earmarked as shop site is assailed by the petitioner alleging that the same is impermissible under the law.

3. Learned counsel for the petitioner has referred to Rule 47 of the Tamil Nadu Combined Development and Building Rules, 2019 (*the Rules*) and various directions/circulars.

4. Learned State counsel would submit that Rule 17 of the Rules permits conversion of use of residential area for other non-residential purposes.



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5. It is borne out from records that the place where the Kalyanamandapam has been constructed was earlier allocated as shop site. It appears that shops were not constructed and, thereafter, an application was made for construction of Kalyanamandapam. The building approval was granted and, thereafter, the construction has started.

6. During the course of hearing, we noted that as per Rule 17 of the Rules, construction of marriage hall would be permissible, if the land falls under mixed residential zone, whereas such construction is impermissible in a primary residential area.

Learned State counsel, thereafter, placed on record Government Order dated 24.7.1974.

Though this Government Order states regarding primary residential area and mixed residential area, as also the activities which could be carried out in respect of areas, we do not find that the petitioner has made any averment in the writ petition or has placed any document on record to show that the shop sites, where Kalyanamandapam has been constructed, is classified as primary residential area. The reviewed master plan, which has been placed on record, does not indicate that the place where Kalyanamandapam has



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been constructed is part of primary residential zone.

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7. It was for the petitioner to prove that the site is part of primary residential zone. Whether or not the site of the plot is primary residential zone or mixed residential zone has not been established by the petitioner.

8. The affidavit which has been filed by the State also does not clarify and it appears that, while reviewing the master plan of the present area in question, sub-division of the lands as primary residential zone and mixed residential zone has not been carried out.

9. In view of the Government Order dated 24.7.1974, it is permissible to operate a marriage hall. The other condition under the Rules read with the Circular/Government Order is with regard to sufficiently wide road.

10. In the present case, the width of the road is 20 meters. According to the petitioner, the width of the road is 12 meters. According to the private respondent, the width of the road is 50 meters.



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Be that as it may, in any case, if any of the statements is taken on record, it is more than 9 meters, which is prescribed under Rule 17 of the Rules.

11. Therefore, no direction as sought by the petitioner in this petition, can be granted, as we are not satisfied that the construction is in violation of law.

12. The petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
12.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:

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