



W.P.No.15778 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.15778 of 2020

and WMP.No.19616 of 2020

M/s.Melur Meadows Alternative Lifestyle
Private Limited,
Rep. By its Director, P.Sathyanarayanan,
New No.5, Old No.24, 1st Main Road,
Kalaimagal Nagar, Ekkattuthangal,
Chennai-600 032

...Petitioner

Vs.

1.The Deputy Director of Town and Country Planning,
Coimbatore Region, Dr.Nanjappa Road,
Coimbatore-600 018

2.The President,
Vadavalli Panchayat,
Coimbatore North Taluk,
Coimbatore-641 697

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Declaration, to declare that the building



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permit No.6/2008-2009 dated 19.11.2008 given by the second respondent is alone sufficient and valid in respect of the construction put up by the petitioner in SF.No.204 at Vadavalli Village.

For Petitioner : Mr.Hari Radhakrishnan
For Respondents : Mr.R.Kumaravelu
Additional Government Pleader
for R1

ORDER

(Order of the Court was made by M.S.RAMESH.J.)

The prayer in the present Writ Petition is for declaration that the building permit granted by the Panchayat / second respondent herein is sufficient and valid. Incidentally, when coercive steps were taken by the Authorities by locking and sealing the petitioner's premises, through proceedings dated 30.09.2015, the same came to be challenged by the petitioner before a Co-ordinate Bench of this Court in W.P.No.15775 of 2020 and while allowing the Writ Petition, the Bench had observed as follows:

“6.It is to be noted that Section 47-A of the Tamil Nadu Town and Country Planning Act, was



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inserted by way of amendment by Act 46 of 2010. The amendment which came into effect on the publication of the amendment in Tamil Nadu Government Gazette, dated 13.06.2010 is prospective in nature. The statutory requirement and procedure prescribed under Section 47-A will render every construction unauthorized, if it is given retrospective effect. In the present case, the petitioner had applied for permission and obtained plan approval much prior. When the petitioner's application for permission for development was in the year 2008, there is no question of applicability of Section 47-A of the Tamil Nadu Town and Country Planning Act.

7. Be that as it may. Under Section 47-A of the Act, every development of land in an area other than planning area, can also be by an application in writing to the local body with the permission in such form containing such particulars accompanying such documents, as prescribed. When the construction was commenced before introduction of Section 47-A, the first respondent may consider as to whether prior approval from the Director of the Town and Country Planning Act, is required. The decision of the respondents should be based on certain facts. This is also possible only when show cause notice is issued and opportunities are granted to the petitioner before



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taking any coercive action. Therefore, this Court is unable to sustain the impugned order, which is only relying upon Section 47-A of the Tamil Nadu Town and Country Planning Act, 1971, which came into effect after commencement of project.

8. In view of the facts and circumstances, indicated above, on the short ground that the impugned order is in violation of principles of natural justice and it is arbitrary and unconstitutional, the impugned order is liable to be quashed.

9. As a result, the impugned Notice in Roc.No.3283/2015CR-4, dated 30.09.2015 of the first respondent is hereby quashed. However, it is open to the respondents to initiate proceedings if the development of the project undertaken by the petitioner, is not in adherence to the Regulations or the Rules in force, which are applicable but by observing principles of natural justice.”

2. The aforesaid extract is self explanatory. Thus, when the Co-ordinate Bench had already declared that Section 47-A of the Tamil Nadu Town and Country Planning Act will have a prospective effect, the grievance of the petitioner in the present Writ Petition has already been redressed therein. Hence, no further orders are required to be passed in this Writ Petition.



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3. Accordingly, this Writ Petition stands closed. No costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V., J]

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

To

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