



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 23092 of 2025

and

WMP Nos.25942 & 25943 of 2025

V.Devan

S/o.Veeranan, No.35, 33rd Street,
Balaji Nagar, Puzhuthivakkam,
Chennai-600 091.

Petitioner(s)

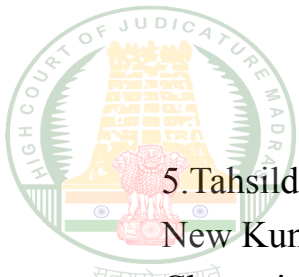
Vs

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2. Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Poonamallee High Road,
Chennai-600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-14, Unit-42, Division -188,
Puzhuthivakkam, Chennai-600 091.

4.The Revenue Divisional Officer,
Sholinganallur, Chennai-600 119.



5. Tahsildar, Sholinganallur,
New Kumaran Nagar, Sholinganallur,
Chennai-600 119.

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Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue writ of certiorarified mandamus, calling for the records relating to the impugned order in W.D.C. No.T.P.PPA/ WDCN14/ 07911/ 2023 dated 27.09.2023 passed by the 3rd respondent, quash the same and direct the 3rd respondent to approve the planning permission application within a stipulated time period.

For Petitioner(s): Mr.R.Mohammed Ashish

For Respondent(s): Mrs.C.Meera Arumugam,
Additional Government Pleader
for R1, R4 and R5
Mr.D.B.R.Prabhu,
Standing Counsel
for RR2 and 3

ORDER

Writ petition is filed for issuance of writ of certiorarified mandamus, relating to the impugned order dated 27.09.2023, passed by the 3rd respondent, to quash the same, directing the 3rd respondent to approve the planning permission application within a stipulated time period and pass such further order.

2. The petitioner is the absolute owner of the property comprised in Survey No.52/6A2, 52/7B and 668/4A, admeasuring 4,800 sq.ft, having



purchased the same under the registered sale deed dated 04.03.2006. While so, the respondent issued Lock and Seal and Demolition Notice dated 24.05.2019.

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The petitioner challenged the Lock and Seal and Demolition Notice in W.P.No.17843 of 2019. The petitioner also filed Section 80-A Appeal, along with the application for stay against the Lock and Seal and Demolition Notice dated 24.05.2019. When the writ petition came up for hearing, this Court disposed of the same by directing the first respondent to decide the stay application within ten days from the date of receipt of a copy of the order and to dispose of the Appeal as expeditiously as possible. Subsequently, the 1st respondent disposed of the Appeal on 05.05.2021, directing the petitioner to rectify the defects and to obtain necessary planning permission within a period of three months, with further direction to de-seal the premises for three months. Pursuant to the order, the 3rd respondent on 16.07.2021, de-sealed the premises for three months. Thereafter the petitioner applied for building plan approval on 21.03.2022, by paying requisite fees. Revised planning approval was not accorded by 3rd respondent and therefore, the petitioner approached the 1st respondent vide representation dated 27.06.2023. During the hearing by the 1st



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respondent, the 3rd respondent stated that building plan approval application was returned, as there was dispute over the title to the property. Thereafter the 1st respondent vide order dated 10.08.2023, directed the petitioner to submit building plan approval within two months, with further direction to the respondents two and three to approve the application, if the petitioner produced patta and ownership documents in his favour. The 1st respondent further made it clear that, planning permission for building shall not be kept in abeyance, merely on the premise that a litigation is pending before Civil Court, unless order of stay was granted. Pursuant to the order of the 1st respondent, the petitioner again applied for building planning permission on 08.09.2023, along with documents like patta, village register, sale deed, report of the Tahsildar as proof of title. The 3rd respondent without considering the petitioner's aforesaid documents, returned the petitioner's application for approval. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the impugned order was *ex-facie* illegal and it was against the order passed by the 1st



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respondent on 10.08.2023. The learned counsel further submitted that there is no interim order restraining the 3rd respondent from according planning permission and therefore the 3rd respondent ought to have entertained the petitioner's application and accorded planning permission.

4. I heard both the learned counsels and perused the record. With the consent of both the learned counsels, the main writ petition is taken up for final disposal.

5. The petitioner originally challenged the Lock and Seal and Demolition Notice dated 24.05.2019, before the 1st respondent. The petitioner also filed writ petition in W.P.No.17843 of 2019, challenging the Lock and Seal and Demolition Notice. This Court in the said writ petition, on 25.06.2019, directed the first respondent to decide the stay application and to dispose of the main Appeal filed under Section 80-A as expeditiously as possible. The 1st respondent thereafter passed the order on 05.05.2021, directing the petitioner to rectify the defects within three months and obtain necessary planning



permission with further direction to the 3rd respondent to de-seal the premises.

The petitioner after rectifying the defects, applied for building plan approval on 21.03.2022, by paying requisite fees. The said revised plan approval was not taken by the 3rd respondent and thereafter, the petitioner approached the 1st respondent by way of representation on 27.06.2023. Thereafter, the 1st respondent on 10.08.2023, directed the petitioner to re-submit the building plan approval within two months with further direction to the 2nd and 3rd respondent to approve the application of the petitioner, if patta and ownership documents were in his favour. The operative part of the 1st respondent's order dated 10.08.2023, reads as follows:

“The planning permission application submitted by the petitioner may be admitted and disposed, if the petitioner has a patta and ownership documents in his favour. Planning permission for any building for that matter shall not be kept on hold merely on the premise that a litigation is pending in the court unless there is an order to stay the issue of planning permission or to maintain status quo.”

6. Thereafter the petitioner applied for building plan approval on 08.09.2023, along with documents such as patta, village register, sale deed, and



report of the Tahsildar, in proof of title. The 3rd respondent returned the petitioner's application for planning approval with the following remarks:

“As Per R.D.C(S).C.No.A11/648/2022 In This Circumstance, it is Submitted that the property title ownership will be decided only by the Revenue authorities or Competent Court. As Per Sholinganallur Tahsildar Office No:1833/2022/AA2, Date:17/02/2023.Hence Unconsidered.”

7. As rightly contended by the learned counsel for the petitioner, the order of the 3rd respondent, returning the petitioner's application for approval is in total violation of the order passed by the 1st respondent on 10.08.2023. It is seen from the impugned order that the 3rd respondent has made a general statement that property title ownership will be decided by the Competent Civil Court or Revenue Authorities, even without referring to any Civil Suit or other proceedings. Further, the 3rd respondent has failed to consider the documents filed by the petitioner in support of his ownership of the property. The 3rd respondent also failed to note that 1st respondent had specifically in his order dated 10.08.2023, stated that planning permission should not be refused on the ground of mere pendency of litigation.



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8. In view of the above, this Court is of the view that since the impugned order dated 27.09.2023, runs counter to the order passed by the 1st respondent, it is liable to be set aside. Accordingly the impugned order is set aside and the matter is remitted to the 3rd respondent, for fresh consideration, in the light of the order passed by the 1st respondent on 10.08.2023. The 3rd respondent shall pass appropriate orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

Writ petition is accordingly allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

dsn

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Poonamallee High Road,
Chennai-600 003.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone-14, Unit-42, Division -188,
Puzhuthivakkam,
Chennai-600 091.

4.The Revenue Divisional Officer,
Sholinganallur,
Chennai-600 119.

5.The Tahsildar,
Sholinganallur, New Kumaran Nagar,
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N.MALA J.

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