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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 22 of 2023
and
WP No. 20222 of 2023
and
CMP No. 275 of 2023**

WA No.22 of 2023:

1.The Secretary
Housing and Urban Development
Department, Fort St. George,
Chennai 600 009.

2.The Director
Town and Country Planning,
CMDA Office Complex
E & C, Market Road,
Koyambedu, Chennai 600092.

3.The Deputy Director
Office of the Town and Country
Planning, No.331/95, Kotrampalayam
Street, Kancheepuram 631 501.

Appellant(s)



WA No. 22 of 2023 &
WP No. 20222 of 2023



Vs

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1.M/s.Arun Excello Homes Private
Limited,
Rep. by its Managing Director,
Shri P. Suresh,
Bhattad Towers,
No.18 West Cott Road,
Royapettah, Chennai 600014.

2.Block Development Officer
Sriperumbudur Panchayat,
Sriperumbudur.

Respondent(s)

WP No. 20222 of 2023

M/s.Arun Excello Homes Private
Limited,
Represented by its Managing Director,
Shri. P. Suresh, Bhattad Towers, No.
18, West Cott Road, Royapettah,
Chennai - 600014.

Petitioner(s)

Vs

1.The Secretary
Housing and Urban Development
Department, Fort St. George,
Chennai - 600 009.

2.The Director,
Town and Country Planning,



CMDA Office Complex, E & C, Market
Road, Koyambedu,
Chennai - 600 092.

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3.The Deputy Director,
Office of the District Town Planning,
No.331/95, Kotrampalayam Street,
Kancheepuram - 631501.

4.Block Development Officer,
Sriperumbudur Panchayat,
Sriperumbudur,
Kancheepuram - 602105.

Respondent(s)

WA No. 22 of 2023

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to allow this Writ Appeal by setting aside the Order dated 08.11.2021 passed in W.P.No.18328 of 2021.

WP No. 20222 of 2023

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent vide proceeding in Na.Ka.No.1389/2023/A4 dated 12.05.2023 and to quash the proceedings to the extent of the demand made by the 4th respondent and consequently direct the respondents to refund the amount of Rs.28,21,410/- with interest at the rate of 12% p.a. which was paid by the petitioner.

WA No. 22 of 2023

For Appellant(s): Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.T.Arun Kumar



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Additional Government Pleader

For Respondent(s): Mr.V.Omprakash
Senior Counsel
For M/s.Kamala Rani For R1
No Appearance For R2

WP No. 20222 of 2023

For Petitioner(s): Mr.V.Omprakash Senior Counsel
For M/s.Kamala Rani

For Respondent(s): Mr.R.Ramanlal
Additional Advocate General
Assisted by Mr.A.Selvendran

J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 08.11.2021 passed in W.P.No.18328 of 2021. The State preferred the present Intra-Court Appeal.

2. The core issue raised in the present appeal is, whether the 1st respondent is liable to pay the land used conversion charges under Rule 9 of the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017, [hereinafter referred to as



'2017 Rules'].

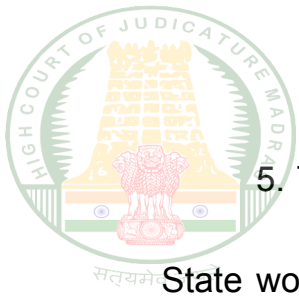
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3. It is not in dispute between the parties that the subject land originally used for agricultural purposes. Pursuant to the proceedings of the Director of Town and Country Planning dated 20.05.2015, the land was declared for construction of Multi-storeyed Residential Building under Rule 4(a) of Tamil Nadu Multi-storeyed and Public Buildings Rules, 1973. The conditions stipulated would indicate that the land should be utilized for construction of multi-storeyed building for residential use.

4. The application came to be filed on 24.05.2019 seeking conversion of the scheme. It was considered and an order was passed by the Director of Town and Country Planning in proceedings dated 17.03.2021. Accordingly, permission was granted to convert the portion of the land to form a layout. Though initially permission was to construct multi-storeyed building for residential usage subsequently permission to conversion of portion of land to form a layout has been granted.

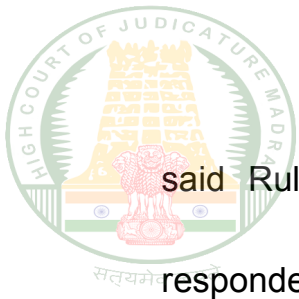


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5. The learned Additional Advocate General appearing on behalf of the State would contend that as per Rule 9 of 2017 Rules, the 1st respondent is liable to pay conversion charge at the rate of 3% of the market value fixed under Section 47-AA of the the Indian Stamps Act, 1899. The said amount is to be deposited in the Government head of account for grant of permission for conversion and to carry out developments.

6. In the present case, the 1st respondent initially deposited the conversion charges under Rule 9 of the 2017 Rules, with protest. However, the 1st respondent filed writ petition seeking reimbursement of the deposited amount. The Writ Court has rejected the claim of the 1st respondent on the ground that application seeking conversion of land had been filed after issuance of G.O.Ms.No.79, Housing and Urban Development Department dated 04.09.2015, through which the 2017 Rules, came to be implemented. Thus, the State preferred the present writ appeal.

7. The learned Senior Counsel appearing on behalf of the 1st respondent/M/s.Arun Excello Private Limited would oppose by stating that the



said Rule 9 of 2017 Rules has no application on the case of the 1st

respondent. The conversion has not been sought for from agricultural purposes to form a layout. It is an application seeking revised planning approval and unconnected with the provisions of the 2017 Rules. There is no change of land and thus, the Writ Court has allowed the writ petition.

8. This Court has considered the rival submission made between the parties.

9. The 2017 Rules, would enumerates that the provision would apply for change of land use from agricultural to non-agricultural in non-planned areas under Clause (k) Sub Section (2) of Section 122 read with Section 47A of the Tamil Nadu Town and Country Planning Act, 1971. The 2017 Rule has no application seeking planning permission submitted by the 1st respondent to utilise the portion of the land for forming layout instead of constructing multi-storeyed building with residential use. The 1st respondent has not sought for any request for change of land use from agricultural to non agricultural purpose. Thus, the 2017 Rules has no application to the case of the 1st



respondent.

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10. Thus, this Court does not find any infirmity or perversity in respect of the findings as well as the decision arrived by the Writ Court, which is in consonance with the provisions of the Statutes and Rules. Consequently, the Writ Appeal stands dismissed. No costs. The connected Miscellaneous Petition is closed.

11. Since the present writ appeal in W.A.No.22 of 2023 is dismissed, the writ petition in W.P.No.20222 of 2023 deserves to be allowed. Consequently, the order impugned passed by the Block Development Officer, Sriperumbudur in proceedings in Na.Ka.No.1389/2023/A4 dated 12.05.2023, is set aside and the Writ Petition stands allowed. No costs.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

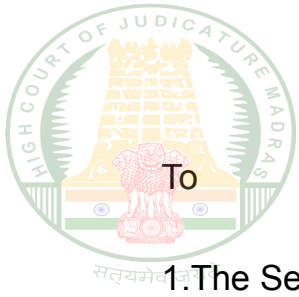
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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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To

1.The Secretary

Housing And Urban Development
Department, Fort St. George,
Chennai - 600 009.

2.The Director,

Town And Country Planning, Cmda
Office Complex, E And C, Market
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092.

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**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

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