



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 28362 of 2024

AND

WMP NO. 30927 OF 2024,WMP NO. 30929 OF 2024

1. Dr.Ramakrishnan

Petitioner(s)

Vs

1. The President

Manmalai Panchayat Union,
Sentharapatti Post, Gingavalli Taluk,
Salem District

2.M.Bhuvaneshwari

Proprietrix, M/s.Kasren Bio-natural
104/1, Pilankulam Road, Modakupatti,
Sendarapatti Post, Gangavalli Taluk,
Salem-636 110

3.The District Collector,

Room No.101, First Floor,
Collectorate, Salem.636 001.

4 The Assistant Director Of



Town Panchayates, Salem Region,
Collectorate 2nd Floor, Salem.636 001.

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5.The Assistant Director Of
Town And Country Planning, Salem
District. (r3 To R5 Are Impleaded As
Per Order Dated 04.10.2024 (filed In
Memo Usr No.33197/2024) In
Wp.28362/2024 By Dkkj And Pbbj)

6.K.Senthilkumar

7.Meenakshi

8.V.Avaranam

9.R.Karthick @ Jayaprakash

10.K.Mani

11.S.Sellamuthu

12.A.Suresh

[R6 to R12 are impleaded vide order dated 14.02.2025
in WMP.No. 6005/2025 in WP.No.28362/2024]

Respondent(s)

WP No. 28362 of 2024

PRAYER

calling for the records of the first respondent dated 25.4.2024 and quash the same with consequential direction directing the first respondent herein to forward the application of the petitioner as per Rule 4 of the Tamil Nadu Change of Land Use(from Agriculture to Non-Agriculture purposes in Non-planning Areas)Rules 2017 within the time frame

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For Petitioner(s): Mr.S.Ilamvaludhi



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For Respondent(s): Mr. B.Sanjay Balachnader For
Mr.S.Yaswanth For R1
M/s. S.Senthil, For R2
Mr.T.Chandrasekaran Special
Government Pleader For R3 To
R5.
Ms.A.Pramila For R6 to R12

ORDER

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

The proceedings of the 1st respondent/President, Manmalai Panchayat Union, Sentharapatti Post, Gingavalli Taluk, Salem District dated 25.04.2024 is sought to be assailed in the present writ petition. Further direction is sought for to forward the application submitted by the petitioner to the authority under Rule 4 of the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rule, 2017.

2. The petitioner states that he is the owner of the land measuring to an extent of 6.31 acres situated at Modakkupatti Village and has applied for conversion of agricultural land to non-agricultural purposes in non-planning



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3. Mr.S.Ilamvaludhi, learned counsel for the petitioner mainly contended that the petitioner has obtained necessary certificates from the competent authorities, including no objection certificates from Tamil Nadu Fire and Rescue Service and the Tamil Nadu Pollution Control Board. However, despite submitting all necessary certificates, no action has been taken to forward the application submitted by the petitioner under Rule 4 of the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Area) Rule, 2017. Thus, the petitioner is constrained to move the present writ proceedings.

4. The learned counsel appearing on behalf of the impleaded respondents 6 to 12 would submit that the impleaded respondents are neighbouring land owners utilising their lands for agricultural purposes. In the event of granting permission for converting agricultural land to non-agricultural land would affect the agricultural activities in that locality. Consequently, other agriculturists in



that locality have submitted objections to reject the application.

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5. It is further contended that the petitioner had not obtained prior approval from the Panchayat, nor concurrence from the District Collector and Director of Town and Country Planning. Therefore, the present writ petition is to be rejected.

6. Mr.T.Chandrasekaran, learned Special Government Pleader appearing on behalf of the respondents 3 to 5 would oppose by stating that the procedures as contemplated under Section 47A of the Tamil Nadu Town and Country Planning Act, 1971, and the Government order passed in G.O.Ms.No.79, Housing and Urban Development Department [UD4(3)] dated 04.05.2017, is to be followed for the purpose of conversion agricultural land to non-agricultural land.

7. The learned counsel for the 1st respondent/Manmalai Panchayat Union would submit that no prior approval was granted by the Panchayat Union for



establishing a factory on the agricultural land in question. Since the petitioner purchased the land for conversion, prior permission from the Panchayat Union is mandatory under the Act, but was not obtained. Therefore, the writ petition is devoid of merits.

8. Section 47A of the Tamil Nadu Town and Country Planning Act, 1971 contemplates procedures to be followed for conversion of agricultural land to non-agricultural land in non planned region. The Rules framed under the Act also contemplates procedures.

9. The Government order in G.O.Ms.No.79 dated 04.05.2017, was issued in exercise of powers conferred under Sub-Section (1) of Section 122, read with Section 47A of the Tamil Nadu Town and Country Planning Act. These Rules prescribe procedures to be followed for the purpose of conversion of agricultural to non-agricultural land.

10. Pertinently, the petitioner has not obtained any concurrence from the



competent authority. The 1st respondent states that no prior approval has been granted by the Panchayat Union for conversion of agricultural land.

Consequently, any construction on the land is unauthorized and in violation of the Act and Rules.

11. The conversion of agricultural land to non-agricultural land must be considered in the larger public interest by the competent authorities. Large-scale destruction of agricultural lands will result in adverse consequences. Therefore, the Government has contemplated procedures for such conversion, which are to be scrupulously followed by the authorities.

12. No person shall be allowed to convert agricultural land into non-agriculture land without obtaining all necessary permission from the competent authorities, in consonance with Section 47A of Town and Country Planning Act and the Rules framed thereunder.

13. In the present case, the petitioner has not obtained all necessary



permissions, concurrences and complied with other requirements as

contemplated under Rules. Therefore, this Court is not inclined to consider the

relief as such sought for in the present writ proceeding. However, it is made

clear that conversion cannot be allowed without complying with the statutory

requirements.

14. With the above observations, this Writ Petition stands dismissed.

Consequently, connected Miscellaneous Petitions are closed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

14-02-2025

(1/2)

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Manmalai Panchayat Union,
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Taluk,Salem District

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