



W.A.No. 3752 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3752 of 2024

and

C.M.P.Nos. 29553 & 29555 of 2024

M/s.V.G.N.Homes Pvt. Ltd.,
Represented by its Director,
B.R.Nandakumar,
No.333, Poonamallee High Road,
Amainthakarai, Chennai - 600 029.

...Appellant

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.2, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Commissioner,
Avadi Corporation,
Avadi.

3.K.Ezhumalai

4.K.Palani

5.V.Munusamy

6.Om Shakthy Fire Realty Pvt. Ltd.,
Om Shakthy Tower-II, TS-55, SIDCO Industrial Estate,
Ekkattuthangal, Chennai - 600 032.

1/6



7.M/s.Lakshmi Homes Pvt. Ltd.,
No.28/16, Anna Street,
Kallikuppam, Ambattur,
Chennai - 600 053.

8.Mrs.P.Mangai

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.10.2024 made in W.P.No.28660 of 2024.

For Appellants : Mr.P.H.Aravind Pandian, Senior Counsel
for Mr.V.Ayyappa Raja

For Respondents : Ms.K.Mageshwari for R1
Mr.N.L.Rajah, Senior Advocate for
Mr.K.Balu for R7
Mr.P.Dinesh Kumar for R8

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the dismissal of his Writ Petition, in which, it sought for the mandamus directing the first respondent to ensure approach / linkage road to be formed and gifted to the second respondent by the respondents 3 to 8 from their land in Survey Nos.527/2A, 527/1A1, 1A2, 527/1B1 and 527 / 1B2 of Paruthipattu Village to the appellant's land in Survey Nos.523/3A1A of the same village.



2. It was the contention of the appellant that the 7th respondent had laid out the aforesaid lands and while doing so, they had not provided an approach / linkage road to the land belonging to the appellant situate in Survey No. 523/3A1A.

3. The prayer was resisted by the private respondents contending that they are under an obligation to provide approach / linkage road only to roads that are already existing and not to any undeveloped lands. It was also contented that the 8th respondent owns a strip of land between the land that is developed by the 7th respondent and the land that belongs to the appellant. The 8th respondent has not developed her land. Therefore, the 7th respondent cannot be mulcted with an obligation to provide approach road to the appellant over the land belonging to the 8th respondent. The writ court accepted the contentions of the respondents and dismissed the writ petition.

4. Mr.P.H.Aravind Pandian, learned Senior Counsel appearing for Mr.V.Ayyappa Raja, learned counsel for the appellant would vehemently contend that in terms of Rule 47 of the Tamil Nadu Combined Development



and Building Rules, 2019, the respondents are under an obligation to provide a linkage / approach road so that the appellant would have access over the same, while the 7th respondent lays out his land and seeks approval of the lay out.

5. No doubt, Rule 47(i) imposes an obligation on the developer to provide adequate linkages to the **existing roads** and further to provide proper circulation pattern in the area. It does not create an obligation on the owner who develops his land to provide proper access to the other owners in the undeveloped area. Moreover, the land of the 8th respondent is sandwiched between the land of the appellant and the 7th respondent. As of today, the 8th respondent is not developing her lands.

6. Though Mr.P.H.Aravind Pandian, learned Senior Counsel would contend that the sale in favour of the 8th respondent has been made after the submission of the lay out plan only in order to get over the obligations created by Rule 47, we do not think, we can go into the question in this writ petition which relates to only the issuance of planning permission and the obligation of a person who intends developing his or her lands.



W.A.No. 3752 of 2

7. The Writ Court, on a reading of Rule 47, has rightly found that the 7th respondent is under no obligation to provide access to the land of the appellant while the land of the appellant remains undeveloped. In as much as the piece of land measuring about 5 cents situated at T.S.No.28/9, Survey No.527/1B2, which is sandwiched between the land of the appellant and the 7th respondent belongs to the 8th respondent and she does not intend developing her land, therefore, the 7th respondent cannot be expected to provide a road linkage to the appellant's land across the land belonging to the 8th respondent. Hence, we do not see any reason to interfere with the order of the writ court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

8. We are also informed that the planning permission has now been granted. We make it clear that it will be open to the appellant to challenge the planning permission on any of the grounds that would be available to it.

(R.S.M., J.) (C.K., J.)
08.01.2025

kkn
Index: No
Speaking order
Neutral Citation : No

5/6



WEB COPY

W.A.No. 3752 of 2



R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

KKN

To:

1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.2, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

W.A.No. 3752 of 2024
and
C.M.P.Nos. 29553 & 29555 of 2024

08.01.2025