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WA No. 4003 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 4003 of 2025
AND CMP NO. 32477 OF 2025**

K.Jagadeesan
S/O.Kaliyappa Gounder,
No.16/144 A Sennakkalpalayam,
Dhalavoipattinam, Dharapuram Taluk,
Tiruppur District 638 657

..Appellant

Vs

1. The Government Of Tamil Nadu
Rep. By Its Additional Chief Secretary, Housing
And Urban Development Department,
Fort St. George, Chennai-600 009.
2. The Secretary, Housing And Urban Development
Department, Fort St. George, Chennai-600 009.
3. The Deputy Director Of Town And Country
Planning, Office Of District Town And Country
Planning, Tiruppur District.
4. The District Collector
Tiruppur District.
5. The Joint Director
Agricultural Department, Tiruppur District.
6. The TashildarDharapuram Taluk,
Tiruppur District.
7. The Block Development Officer
Dharapuram, Tiruppur District.



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8. The Dhalavoipattinam Panchayat
Rep. By Its Secretary,
Dhalavoipattinam Village,
Dharapuram Taluk, Tiruppur District.
9. P.Murugesan
S/O.Palanisamy, 547/8, Durga Garden, Alangiyam
Road, Kondarasampallyam, Dharapuram Taluk,
Tiruppur District.
10. M.Shanmugam
S/O.Muthusamygounder, Nathakkadu Thottam,
Suriyanallur Village, Dharapuram Taluk,
Tiruppur District.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 02.09.2025 made in W.P.No.10314 of 2025.

For Appellant :	Mr.N.Ponraj
For Respondents :	Mr.E.Veda Bagath Singh Special Government Pleader – for RR 1 to 6 Mr.S.Yashwanth Additional Government Pleader – for R7 & R8 Mr.K.V. Muthu Visakan – for R9

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal is directed against the order passed by the learned Writ Court dated 02.09.2025 made in W.P.No.10314 of 2025.

2. The appellant was the writ petitioner who is running a brick kiln situated in R.S.No.141, Dhalavoipattinam Village, Dharapuram Taluk, Tiruppur District. He is



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running the said brick kiln in the name and style of "Sri Guru Chamber". Though he is running it, it stands in the name of his wife one Vedanayaki. While that being so, the respondents 9 and 10 who are owners of the property situated at R.S.No.146/3, which is the adjacent land to the petitioner's brick kiln has approached the planning authorities for getting approval of a lay out which was considered and granted by the third respondent viz., Deputy Director of Town and Country Planning, Tiruppur District vide his proceedings in Na.Ka.No.1406/2023/Thi.ma dated 05.12.2023.

3. Challenging the approval order dated 05.12.2023, already the appellant / writ petitioner filed a writ petition in W.P.No.1534 of 2024 and the said writ petition was disposed of granting him liberty to file an appeal before the first respondent and such an appeal when was preferred, it was rejected by an order dated 24.01.2025, as against which only the present writ petition was moved before the writ Court.

4. The main contention that was raised on behalf of the appellant / writ petitioner before the writ Court against the approval granted by the planning authority for developing a layout to and in favour of the respondents 9 and 10 was that, as per the Division Bench judgment of this Court, no brick kiln can be established within two kilometres radius from a residential or habitat area. When that being the position, within two kilometres radius already there is a brick kiln belongs to the appellant is functioning. Therefore, within the two Kilometres radius



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no lay out can be permitted. That was the logical argument put forth by the petitioner / appellant before the writ Court.

5. For the said argument, the reply given by the respondents 9 and 10 was that, insofar as getting the plan approval for the development of layout is concerned, it is governed by the Tamil Nadu Combined Development and Building Rules, 2019 and the planning authorities, after having satisfied that the conditions prescribed have been complied with by them, has granted the approval, which was subsequently confirmed by the first respondent, ie., the State Government. It is also the stand taken by the planning authority that, while granting such planning approval for the development of the layout to the respondents 9 and 10, no provision of the 2019 Rules has been violated.

6. Another argument was placed on behalf of the writ petitioner / appellant before the Writ Court that, the Ministry of Environment, Forest and Climate Change issued a notification in G.S.R.No.143(E) dated 22.02.2022, wherein Clause 6 bars the creation of a residential layout within the area where this kind of brick kiln industries are situated.

7. The said objection raised on behalf of the petitioner / appellant also has been dealt with by the Writ Court and ultimately the learned Judge has given a



finding stating that, the brick kiln is not being established, it has already been established and it is a pre-existing one and therefore the notification issued by the Ministry of Environment, Climate Change and Forests does not apply to the petitioner / appellant.

8. We are in complete agreement with the view expressed by the learned Judge through the impugned order. As has been rightly held by the Writ Court, the building plan or layout plan approval granted by the planning authority ie., the third respondent in favour of the respondents 9 and 10 is strictly in consonance with the provisions of the 2019 Rules. While granting such a planning permission, they had the knowledge about the running of the brick kiln. As there has been no impediment for the planning authority to give such an approval, despite the brick kiln is being run in the adjacent land, the owner of the brick kiln ie., the present appellant need not have any apprehension that in future the authorities may come and ask the petitioner / appellant to close the brick kiln.

9. If any such eventuality arises, that can be legally met by the appellant, where the observation and finding given by the learned Judge especially in Paragraph 15 of the impugned order would be greatly helpful to the appellant.



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10. In that view of the matter, we do not find any reason to interfere with the orders passed by the Writ Court. As a result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
19-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

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1. The Additional Chief Secretary,
Housing And Urban Development Department, Fort
St. George, Chennai-600 009.
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St. George, Chennai-600 009.
3. The Deputy Director Of Town And Country
Planning Office Of District Town And Country
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**R.SURESH KUMAR J.
AND
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