



W.P(MD)No.9850 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.9850 of 2025

Diwakar

... Petitioner

Vs

1. The Joint Director of Agriculture,
Sivagangai - 630 562.

2. The Additional Director of Town
and Country Planning Department,
Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the Impugned order in File No. J3GZ8JQK/2025/TCP dated 28.03.2025 on the file of second respondent and quash the same and further directing the first respondent to submit a report to the second respondent for the approval of layout of the land bearing S.No.36/5B1 measuring 0.77.00 hectares situated in Allur Village, Kalaiyarkoil Taluk, Sivagangai District.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Ragavendran
Government Advocate



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 28.03.2025 and consequently directing the first respondent to submit a report to the second respondent for the approval of layout of the land bearing S.No.36/5B1 measuring 0.77.00 hectares situated in Allur Village, Kalaiyarkoil Taluk, Sivagangai District.

2. The learned Counsel appearing for the petitioner submitted that if the petitioner is intended to put up any construction, he has to obtain clearance from the competent authorities. The impugned order states that the petitioner should obtain No Objection Certificate (NOC) from the Agriculture Department. The same is not necessary since a report has to be obtained by the respondents themselves from the Agricultural Department. For which the petitioner has relied on Rules framed under the Town and Country Planing Act. Rule 7 of the Tamil Nadu Change of Land Use (from agriculture to non-agriculture purposes in non-planning areas), Rules, 2017, provides guidelines to the Director for giving his prior concurrence. Specifically Rule 2(2) states that “The Director shall consider the prior concurrence given by the Collector in respect of wet agriculture lands and the report of Joint Director of Agriculture in respect of dry agriculture lands for taking a decision to issue his prior concurrence.”



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3. On perusing the said Rule, it is seen that nowhere it has been stated that the petitioner should obtain NOC from the Joint Director of Agriculture, which clearly states that the Joint Director of Agriculture can take a decision to issue prior concurrence, which means the Joint Director should visit the spot and thereafter, come to a conclusion as to whether prior concurrence can be granted if it is a dry agricultural land.

4. Therefore, the impugned order directing the petitioner to obtain NOC from the Joint Director of Agriculture is erroneous and beyond the powers of the Town and Country Planning Authority. Accordingly, the impugned order is quashed. Consequently, the respondents are directed to consider the petitioner's lay out in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above said directions, this Writ Petition is allowed. There shall be no order as to costs.

14.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr

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Sivagangai - 630 562.
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S.SRIMATHY, J.

jbr

ORDER MADE IN
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DATED : 14.07.2025