



W.P.(MD) No. 20983 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 20983 of 2025

M.Santhanaraj

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai.

2. The Assistant Director,
Town and Country Planning Department,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned G.O.(3D) No.57, dated 20.06.2025 of the Housing and Urban Development Department passed by the first respondent herein, quash the same as illegal and consequently, direct the first respondent to grant permission for the proposed layout at Survey No.523/3, Pandavarmangalam Village, Kovilpattti Taluk, Thoothukudi District.



W.P.(MD) No. 20983 of 2025

WEB COPY

For petitioner : Mr. S.Saravanan

For respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. The petitioner is aggrieved by the impugned order passed by the first respondent, whereby request of the petitioner for layout approval under Section 79 of the Tamil Nadu Town and Country Planning Act, 1975 has been rejected on the ground that the petitioner's property does not have requisite 7 meters width road for layout approval.

3. The learned counsel for the petitioner has drawn attention to the following Government Orders in the case of following persons:



W.P.(MD) No. 20983 of 2025

WEB COPY

S.No	G.O.	Petitioner Name	Road Measurement
1.	G.O.(3D).No.55, Housing and Urban Development (UD 5(1)) Department, dated 06.11.2023	Chinnasamy	The access road width to the site is 5.43 m on one corner and 6.03 m on the other corner
2.	G.O.(3D).No.65, Housing and Urban Development (UD 5(1)) Department, dated 28.11.2024	Senthil Kumar	6.10 m
3.	G.O.(3D).No.30, Housing and Urban Development (UD 5(1)) Department, dated 14.03.2025	T.S.Ganesh Rao	6.10 m

4. The learned counsel for the petitioner submits that layout approvals have been given to above mentioned persons ignoring the lands which are in possession of the petitioner and when the petitioner seeks for a permission, the same has been rejected by the respondent.

5. The learned Special Government Pleader for the respondents submits that the above relaxation cannot applied in the case of the petitioner, as the width of the road which has been provided by the petitioner is only 3.60 on one side and



W.P.(MD) No. 20983 of 2025

WEB COPY

4.80 on the other side. Therefore, it is not feasible under these circumstances.

6. On perusing the layout that abutting the petitioner's property and the main road indicates that the layout approval can be given irrespective of the fact that the width of the road is 3.60 in one side and 4.80 on the other side as the land abutting the aforesaid portion is itself a road. The same can be considered for giving layout approval for the land in Survey No.523/3 of the petitioner. Therefore, the impugned order is set aside and the case is remitted back to the second respondent to pass an order on merits.

7. Under these circumstances, the respondents are directed to re-consider the prayer of the petitioner and pass appropriate orders in the light of the relaxation given in the aforesaid persons, within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P.(MD) No. 20983 of 2025

WEB COPY

8. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

Internet : Yes / No

apd

01.08.2025

To

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W.P.(MD) No. 20983 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 20983 of 2025

01.08.2025