



W.P.(MD) No. 22527 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 22527 of 2025
and
W.M.P.(MD) Nos.17647 & 17648 of 2025**

R.Arjun

... Petitioner

Vs

1. The Director,
Directorate of Town and Country Planning,
Koyembedu,
Chennai.

2. The Assistant Director,
Town and Country Planning Authority,
Tiruchirappalli Zone,
Karur District.

3. The Block Development Officer,
Thanthoni Panchayat Union,
Thanthoni.

4. Kamaraj

... 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



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impugned order of the third respondent in Na.Ka.AA2/6174/2024 dated 25.06.2025 and quash the same and consequently, restore the Plot regularization in Na.Ka.No. 1369/2018 Thi. Ma2 dated 16.04.2018 passed by the second respondent and Order in Na.Ka.No. Aa2/816/2024 dated 29.04.2024 passed by the third respondent relating to the Plot No. A4 measuring to an extent of 2110 Sq.feet in Survey No. 2237/1 Part/Par/Andankovil East, Manmangalam Taluk, Karur District.

For petitioner : Mr. P. Nagesgwari

For respondents : Mr.D.Ghandiraj
Special Government Pleader R1 & R2
Mr.K.Balasubramanian
Special Government Pleader for R3
Mr.M.Viji for R4

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2, the learned Special Government Pleader for the third respondent and the learned counsel for the fourth respondent.

2. The petitioner, who has purchased a property from one Rani and Renuka



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in Survey No.2237/1 part, measuring an extent of 2110 sq.ft., situated at Andankovil East, Manmangalam Taluk, Karur District, is before against the impugned order passed by the third respondent/Block Development Officer.

3. The specific case of the petitioner is that by the impugned order/communication, dated 25.06.2025, the third respondent has cancelled the regularisation granted by the second respondent in his proceedings, dated 16.04.2018 bearing reference in Na.Ka.No.1369/2018 thi.ma.

4. It is submitted that the impugned order has been passed at the behest of the fourth respondent, who is none other than the neighbouring plot owner, who has put up a building on the land adjacent to the land purchased by the petitioner in Survey No.2237/1.

5. It is submitted that the impugned order is clearly in violation of the principles of natural justice and therefore, the same is liable to be quashed.

6. That apart, it is submitted that as a Subordinate Authority, the third respondent is not empowered to cancel the order passed by the second respondent dated 16.04.2018.



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7. The learned counsel for the fourth respondent, on the other hand, submits that the petitioner's predecessors were entitled for regularisation in view of the Clause 4(4) of the G.O.(Ms.) No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017, as per which vacant plots blocking access to surrounding lands which do not have any other means of access are not eligible for regularisation.

8. It is therefore submitted that no prejudice can be said to have been caused to the petitioner even if the impugned order has been passed by the third respondent, as there is no scope for granting any regularisation where the vacant plot blocking surrounding lands which do not have any other means of access are not eligible for regularisation.

9. The learned counsel for the fourth respondent also draws attention to the decision of the Hon'ble Division Bench of this Court in W.P.No.6140 of 2018 dated 04.10.2019 in the case of S.Kuppusamy vs. State of Tamil Nadu, wherein in para Nos.17 and 18, it has been observed as under:



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“16. We are not going to deal with the disputed question of facts. Suffice to state that vide G.O.(Ms)No.78 dated 04.05.2017, an amended by G.O.Ms.No.178 dated 13.10.2017, the Government has announced Regularisation of Unapproved Plots and Layout Rules, 2017 under Section 113 read with Section 122 of the Tamil Nadu, Town and Country Planning Act, 1971.

17. The notification specifically restricts the regularization to few categories other than those excluded. Rules 4 of the said G.O.reads as under:

4. Restriction for Regularization of Unapproved Plots and Layout:

1) No plot or layout in part or whole, which is located in public water body like Channel, Canal, Tank, Lake, River, etc., shall be eligible for regularization.

2) No plot or layout in part or whole in Government Poramboke land shall be eligible for regularization.

3) No plot or layout in Open space reservation (OSR) land, Park or Play field reserved in any approved layout of sub-division shall be considered for regularization.

4) Vacant plots blocking access to surrounding lands which do not have any other means of access are not eligible for regularization.

5. No plot or layout in part whole, lying in the lands affected by the alignments of proposed road or rail corridors and street alignments specified in the development plans shall be regularized.

6. No plot with any encroachment on to a public road or street or on any other land over which the applicant does not possess ownership right and lands affected by the repealed Tamil Nadu Urban Land (Ceiling and Regularization) Act, 1978 (Tamil Nadu Act 24 of 1978) shall be considered for regularization.



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7) No plot or layout in part or whole, lying in the lands below the alignment of high tension and extra high voltage electric line including tower lines shall be regularised.”

10. By way of rejoinder, the learned counsel for the petitioner, on the other hand, submits that the fourth respondent has been attempting to persuade the petitioner to part with the land and since the petitioner failed to part with the land, the fourth respondent approached the third respondent and managed to get the approval granted by the second respondent as early as 16.04.2018.

11. The learned Special Government Pleader for the third respondent, on the other hand, submits that the impugned order of the third respondent does not meet any interference, as it has been passed strictly in accordance with the provisions of the G.O.(Ms.) No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017.

12. Having considered submissions made by the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2, the learned Special Government Pleader for the third respondent and the learned counsel for the fourth respondent, I am of the view that even if the order passed



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earlier by the second respondent was to be cancelled on account of the restrictions in G.O.(Ms.) No.78, Housing and Urban Development [UD4(3)] Department dated 04.05.2017, notice should have been issued by the competent Authority. The third respondent, having accepted the order of the second respondent dated 16.04.2018 by receiving the development charges on 29.04.2025 and regularising the same, cannot *suo motu* undo the same without appropriate notice to the petitioner.

13. Under these circumstances, the impugned order is quashed and the case is remitted back to the third respondent to pass a fresh order strictly in accordance with the G.O.(Ms.) No.78, Housing and Urban Development [UD4(3)] Department, dated 04.05.2017, after hearing the petitioner.

14. Entire exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

15. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes / No

Internet : Yes / No

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C.SARAVANAN, J.

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