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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.31286 of 2025

and

W.M.P.(MD)No.24486 of 2025

Ganesan Arumugan

...Petitioner

Vs

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2. The Joint Director,
District Town and Country Planning Office,
Virudhunagar District.

3. The Commissioner,
O/o.Sattur Municipality,
Sattur,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the respondent in his proceedings in File No.JSAJN9T2/2025/TCP dated 06.05.2025 and quash the same as illegal and consequentially to direct the 2nd respondent to consider the application of the petitioner dated 13.04.2025 afresh for conversion of the use of the land



earmarked for Community Hall in the layout approved by the 3rd respondent vide Roc No.4839/80 F1 dated 14.03.1986 into residential use in the light of Rule 47(6)(b) of the Tamil Nadu Combined Development and Building Rules, 2019.

For Petitioner : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader

* * * * *

ORDER

The present writ petition has been filed challenging an order of the second respondent dated 06.05.2025 wherein the request of the petitioner for conversion of a plot reserved for community hall into residential use has been rejected. The petitioner has further prayed for a mandamus to permit such conversion, on the basis of Rule 47(6)(b) of the Tamil Nadu Combined Development and Buildings Rules, 2019.

2. The petitioner's father and others have developed the lands of an extent of 11.58 acres in S.Nos.12/2, 3, 4 part and 14/3, 4 part and 15 as layout and obtained layout approval from the third respondent on 14.03.1986. Thereafter, registered settlement deeds were executed in favour of the local body for the



lands which were earmarked for road and public park by way of documents dated 06.01.1986 and 12.02.1986.

3. The disputed plot having an extent of 56 cents in the layout approval was reserved for community hall. For more than 30 years, no one come forward to put up any construction. Therefore, the petitioner preferred an application to the third respondent on 20.09.2021 seeking the permission for conversion of the usage from community hall to residential purposes. The third respondent had recommended the same to the first respondent on 21.10.2021. However, no action was taken by the first respondent.

4. The petitioner had preferred an online application on 17.09.2024 for re-classification of the land. Several particulars were called for from the writ petitioner. The application was returned on 19.02.2025 for rectification of certain defects. After rectification of the defects, the petitioner has uploaded documents on 13.04.2025. Thereafter, the present impugned order has been passed pointing out that when the plot has been classified for public purpose in the approved layout, it can be used only for the respective purpose only. He further pointed out in the impugned order that the land reserved for community hall has to be used only for community hall purpose and cannot be converted



for residential purpose. This order is put to challenge in the present writ petition.

5. According to the learned counsel appearing for the writ petitioner, the Rule 47(6)(b) of the Tamil Nadu Combined Development and Buildings Rules, 2019, empowers the authority to effect conversion from one purpose to another purpose. She further relied upon the circular issued by the first respondent dated 14.08.2021 wherein the authorities have been vested with the power to convert any land which is reserved for public purpose into residential purpose. She further submits that for more than 30 years, no one has come forward to purchase the land for construction of community hall, in view of the fact that there are several Kalyana mandapams located within 2 to 3 kms around the approved layout. Hence, she prayed for setting aside the order passed by the first respondent herein.

6. Per contra, the learned Special Government Pleader appearing for the respondents relied upon a circular issued by the first respondent dated 09.07.2025 wherein it has been specifically pointed out that where the land is reserved for public purpose, it cannot be converted for any other purpose. Therefore, she prayed for sustaining the impugned order.



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7. I have considered the submissions made on either side and perused the materials available on record.

8. It is not in dispute that in the approved layout the disputed plot having an extent of 56 cents was earmarked for community hall. The order of the approval of the layout was granted on 14.03.1986. So far, the land has not been sold to anyone for constructing the community hall. There is no dispute in the recommendation made by the third respondent for conversion of the community hall into the residential use, wherein it has been pointed out that there are several community halls within 2 to 3 kms of the approved layout.

9. Rule 47(6)(b) of the Tamil Nadu Combined Development and Buildings Rules, 2019, is extracted as follows:-

“The building and use of land shall conform to the conditions that may be imposed while sanctioning the layout. The space set apart for commercial, institutional, industrial or other uses shall be used only for the purpose set apart. However conversion of the use of these non-residential use sites can be considered and decided on its merits when it is proved by the developer that demand for the same does not exist.”



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10. Clause 5(h) in the circular issued by the first respondent dated 14.08.2021 is extracted:-

“Rule No.47(6)(b) of the TNCDBR, 2019 provides for conversion of the use of non-residential use sites of an approved layout which can be considered and decided on its merits when it is proved by the developer that demand for the same does not exist. In this regard, decision of the Empowered Committee at its meeting held on 27.11.2025 vide resolution 6th cited is given as follows:-

"The Committee discussed in detail and decided that the Director can issue orders for conversion of use from public purpose (saleable only) to ether allowable uses like residential etc., if the following are fulfilled;

a) The saleable plot/site earmarked for public purpose building has not been developed for the earmarked purpose and lying vacant for at least 5 years from the date of planning permission granted by the Planning Authority.

b) The same public purpose facility for which the plot is earmarked i.e.. Kalyana Mandapam, Community hall, School. Dispensary etc., is available outside the approved layout within a vicinity of 2 to 3 Kms."

It is informed that the district officers are delegated with powers to grant permission for such conversion of use proposal at their level itself strictly adhering to the norms



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prescribed in the above resolution of the Empowered Committee.”

11. The Hon'ble First Bench of our High Court in a judgment in ***W.A.(MD)No.265 of 2024 dated 28.02.2024*** has confirmed the order passed by the writ Court, wherein permission was granted for conversion relying upon the circular dated 14.08.2021.

12. The learned Special Government Pleader appearing for the respondent has relied upon recent circular issued by the first respondent herein dated 09.07.2025. A perusal of the said circular reveals that conversion of the plot reserved for saleable public purposes have to be considered as per the circular dated 14.08.2021. Admittedly, the plot reserved for community hall is saleable plot meant for public purpose. In such circumstances, the first respondent ought to have considered the application of the writ petitioner in the light of the circular dated 14.08.2021.

13. It is made clear that any plot or area earmarked for park, playground or Open Space Reservation can never be converted for putting up any construction. However, where a plot is earmarked for putting up construction for public purpose and it is saleable area, there cannot be any legal impediment



whatsoever for conversion of the same. Instead of one building, another building is going to be put up. Therefore, the order impugned in the writ petition is not sustainable.

14. In view of the deliberations, the order impugned in the writ petition is set aside and the respondent is directed to approve the request of the writ petitioner for conversion of the disputed plot from community hall into residential use.

15. With the above said observations, this writ petition stands allowed to the extend as stated above. No costs. Consequently, connected writ miscellaneous petition is also closed.

05.12.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



To

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R.VIJAYAKUMAR, J.

RJR

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