



WEB COPY

WP No. 3101 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 3101 of 2026

and WMP.No.3488 of 2026

P.Vyjayanthi

..Petitioner(s)

Vs

1.The Principal Secretary To Government,
Revenue and Disaster Management Department,
Tamil Nadu Secretariat, Beach Road,
Fort St. George, Chennai 600 009.

2.Principal Secretary to the Government
Housing and Urban Development Department,
Tamil Nadu Secretariat Beach Rd,
Fort St. George, Chennai 600 009.

3.The District Collector Chennai,
No. 62 Singaravelar Maligai,
Beach Rd, Rajaji Salai, George Town,
Chennai 600 001

4.The Vice Chairman CMDA
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore, Chennai 08



5.The Member Secretary CMDA

Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai 08

6.The Commissioner - Greater Chennai

Corporation,
Ripon building,
Chennai 600 003.

7.The Regional Deputy Commissioner (South)

No. 115, Dr. Muthulakshmi Salai,
Adyar, Chennai 600 020.

8.The superintending Engineer (Parks)

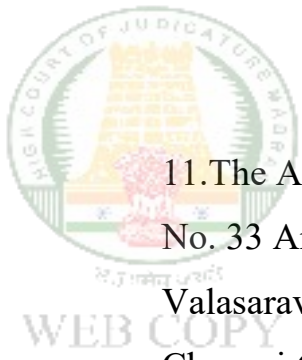
Ripon building,
Chennai 600 003.

9.The Additional Commissioner Zone XI,

No. 33 Arcot Road, Valasaravakkam,
Chennai 600 087.

10.The Executive Engineer Zone XI,

No. 33 Arcot Road,
Valasaravakkam,
Chennai 600 087.



11.The Assistant Engineer - Ward 143, Zone XI,
No. 33 Arcot Road,
Valasaravakkam,
Chennai 600 087.

12.The Tahsildar - Maduravoyal Taluk,
Bharathi Salai,
Mogappair West,
Ambattur Industrial Estate,
Chennai 600 037.

..Respondent(s)

This Writ Petition is filed under Article 226 of the Constitution of India seeking writ of mandamus, directing the respondents herein to undertake development in accordance with Tamil Nadu Combined Building and Developmental Rules 2019 and to develop the lands comprised in S.No. 105 in consonance with the in-principal approval of the layout framework granted by the 5th respondent in P.P.D/L.O No. 1328/2018 (Regularisation 2017) and consequently to provide approach road to the petitioners land.

For Petitioner(s): M/s.Harsha Vardhan R C

For Respondent(s): Mr.L.S.M.Hasan Fizal AGP, for RR1 To 3 and 12
Mr.Sanjay Balachandar, for CMDA for RR4 and 5
Ms.Vanitha Joice Rani, for RR6 To 11



ORDER

This Writ Petition has been filed seeking direction to the respondents to develop the lands comprised in S.No.105 in consonance with the in-principal approval of the layout framework granted by the 5th respondent in P.P.D/L.O No. 1328/2018 (Regularisation 2017) and consequently to provide approach road to the petitioner's land.

2. The petitioner's husband, one Rajendra Prasad Babu, purchased a property situated in Survey No.112 at Nolambur Village, Maduravoyal Taluk, Chennai District. On the strength of the sale deed, he applied for mutation of the revenue records and he was granted patta in patta No.801. A few years after the purchase, he passed away on 08.08.2019, leaving behind the writ petitioner and two daughters, namely, P.Swetha and P.Sneha as his legal heirs. Today, these three persons are the owners of the property.

3. Adjacent to the property purchased by Rajendra Prasad Babu, there exists Survey No.105. This is classified in the Revenue Records as “Meikkal Poramboke”, by its very nature of things, is reserved for grazing of cattle and it cannot be a subject matter of development, unless and until, duly approved by the appropriate authorities under the Government.



4. The petitioner states that she and the adjacent landowners were utilising the Survey No.105 for having access to their respective lands. The respondent Nos.4 and 5 had invoked the provisions under GO.Ms.No.78, Housing and Urban Development, dated 04.05.2017 and GO.Ms.No.172, Housing and Urban Development, dated 13.10.2017 and granted in-principle approval for the layout. The petitioner states that her property was accessible through the road titled ECI Church Road, with a width of 50 feet, as well as the Union Road, which runs over survey No.105. The petitioner adds that the sixth respondent surveyed Survey No.105 and had decided to compound the said property for proposed development. The petitioner alleges that if the property in Survey No.105 is developed, without leaving access, she would be landlocked and that would be in violation of Rule 4 of the Tamil Nadu Combined Development and Building Rules of 2019. Hence, she approached this Court for the aforesaid relief.

5. Considering the plea made by the petitioner, I called upon Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for the respondents 1 to 3 and 12, to get instructions from the Tahsildar as regards the status of Survey No.105 as well as the present situation that prevails. Mr.L.S.M.Hasan Fizal, got instructions on 05.02.2026 and 10.02.2026 from the Tahsildar, Maduravoyal Taluk. Copies of the written instructions have also been



handed over to Mr.R.C.Harsha Vardhan, learned counsel for the petitioner. The fact that Survey No.105 is a Meikkal Poramboke was reiterated in the instructions. It is stated that the land situated in Survey No.112/1C (the property belonging to the petitioner) and Survey No.105/1 were inspected by the Tahsildar together with the Junior Engineer of the Greater Chennai Corporation and the Assistant Planner, CMDA. During the course of survey, they found that the petitioner's land is surrounded on all three sides by Survey No. 112 and on the eastern side by Survey No.105. Even in respect to the Government land situated in Survey No.105/1, there is no road as alleged by the petitioner.

6. The instructions further state that the properties situated in Survey Nos.81, 88, 89, 90, 91, 93, 94/2, 94/3, 106, 107, 108, 109/1, 109/2, 111, 112, 113, 114, 116, 117/2, 122, 123, 124/1 and 139 at Nolambar Village, were the subject matter of the regularisation of the layout in terms of G.O.Ms.Nos.78 and G.O.Ms.No.172, as referred to above, which pointed out that in the schematic diagram, Survey Nos.105/1 and 105/2 have not been included in the regularisation of layout. The instructions further state that no approach could be given to the petitioner, from and out of the land parcel in Survey No.105. Since a copy of the instructions was received by Mr.R.C.Harsha Vardhan, he sought time to make his submissions in the writ petition. I posted the matter today.



7. When I took up the matter, I heard Mr.R.C.Harsha Vardhan, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, for the respondents 1 to 3 and 12.

8. Mr.R.C.Harsha Vardhan, learned counsel for the petitioner urges that Meikkal Poramboke is to be maintained as it is, and unless and until an alternative location is given, the conversion of Survey No.105 is impermissible. Further, if the Government wants to develop the land, it is bound by the terms of Section 47-A of the Town and Country Planning Act read with Rule 4 of the Tamil Nadu Combined Development and Building Rules, 2019 (TNCDBR, 2019) and it is necessarily required to give access to those lands, which are situated at the rear of Survey No.105, as in the case of writ petitioner's land.

9. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader states that the petitioner is not entitled to the relief as sought for, since Survey No.105 is admittedly a Government Meikkal Poramboke land. According to him, it is for the Government to decide as to how it intends to put the said land to use.

10. By way of reply, Mr.R.C.Harsha Vardhan relies upon a Division Bench judgment of this Court in ***Chennai Metropolitan Development Authority (CMDA) vs. Casa Grande Pvt. Ltd., Writ Appeal 709 of 2007 dated***



06.09.2007, to state that when land is being developed, the CMDA can dictate to the developer to set apart certain portions of the land in terms of the Section 49(2)(c), so as to ensure that the persons who are abutting the land under development are not affected.

11. I have carefully considered the submissions of both sides and I have gone through the records.

12. The facts are not in dispute. The petitioner is the owner of the property in Survey No.112/1C, which was earlier classified as Survey No.112. The Government is the owner of Survey No.105. The petitioner has a grievance that unless and until a portion of the land is set apart in Survey No.105 for the petitioner to have access, the Government should not develop its property, since it would be contrary to the provisions of the Town and Country Planning Act and the TNCBDR, 2019.

13. Under Section 47-A of the Town and Country Planning Act, any person, who proposes to carry out development of any land not covered by planning area, would have to approach the local authority and seek permission under Section 47. In case, the proposal for development of land falls within the planning area, then the application should be filed before the appropriate Town Planning Authority in the area covered under the development plan.



14. The interpretation that was given by the Division Bench in the *Casa Grande case* arose out of the application of Section 49(2)(c) of the Town and Country Planning Act in an area covered by the CMDA development plan. In that case, the CMDA had called upon the writ petitioner/respondent in the appeal to keep apart certain portion of its land so as to enable the area situated at the rear of the writ petitioner's land to have access. It was urged by the writ petitioner/respondent in the appeal that such a direction cannot be given since land has to be acquired by the CMDA for the said purpose. This plea was rejected by the Division Bench, relying upon Section 49(2)(c) of the Town and Country Planning Act. The Bench held that the appropriate planning authority is entitled to grant or refuse to grant permission having regard to the future development and maintenance of the planning area. Factually, in that case, it was found that the extent of 12 acres situated at the rear end of the writ petitioner's land could be developed at a later_date, hence, the CMDA was justified in calling upon the developer to set apart a portion of its land for the purpose of development.

15. I should point out that a Government, whether the State or Central or any Local Authority, is exempted from the rigours of Section 49 of the Act, which applies to private citizens. This is by virtue of operation of Section 58 of the Town and Country Planning Act. Under Section 58, the State or the Central Government or any Local Authority is called upon to inform the Town Planning



Authority about the proposed development. Upon receipt of this information, the Authority is entitled to raise objections to the proposed development. It also entitles the Town Planning Authority to suggest necessary modifications to the State Government, Central Government or the Local Planning Authority that are to be carried out in the proposed development. The option is left to the officer-in-charge of such development either to modify the plan or with his comments forward the said objections to the Government for a decision. Under Section 58(3), the Government, on receipt of the proposal for development together with the objections, has two options. After consulting the Director of Town and Country Planning, the Government can confirm the proposal made by the officer, who has proposed development with or without the modifications that have been suggested by the Planning Authority. This makes it clear that the trappings of Section 49 would not apply when the development is at the instance of the Central Government, the State Government or any Local Authority. This Section takes away the wind out of the sails of Mr.R.C.Harsha Vardhan, who places reliance upon the *Casa Grande case*.

16. Mr.R.C.Harsha Vardhan, pleads that, by virtue of Article 300A of the Constitution of India, the petitioner is entitled to have access to her property, as the right to property is a constitutional right. Mr.R.C.Harsha Vardhan is right that Article 300A confers a constitutional right to property. Yet, Article 300A cannot be read to include that the petitioner not only has the right to property



owned by her, but it also includes a right to access over another's property. As much as the petitioner has a right to property, her neighbour also enjoys the same constitutional right.

17. Admittedly, the land of the petitioner is landlocked. It is not as if the law has not made provisions for such situations. If the petitioner's property is landlocked, she can always file a suit seeking a declaration for easement of necessity to have access to the property. When that relief is available to the petitioner, I cannot grant the relief that the petitioner is seeking while exercising jurisdiction under Article 226 of the Constitution of India. Leaving it open to the petitioner to work out her rights, in case she so desires, by filing a suit claiming easementary right. This Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

PVS



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