



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.5383 of 2026

S.Boobalakrishnan

... Petitioner

Vs.

**1.The Secretary to the Government,
Department of Housing and Urban Development,
Secretariat, Chennai-600 009.**

**2. The Director,
Directorate Town and Country Planning Department,
2nd, 3rd & 4th Floor, C & E Market Road,
Koyambedu, Chennai-600 107.**

**3.K.K.Sengodan
(Suo-motu impleaded by Order
of the Court dated 25.02.2026
in W.P.No.5383 of 2026)**

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to dispose of the appeal petition dated 09.08.2023 for to conduct re-enquiry based on the report filed on the direction of 2nd respondent dated 10.12.2020 vide Na.Ka.No.17178/2017/GR.

For Petitioner : Mr.S.Ambigapathi

**For Respondents : Mr.M.Shajahan
Special Government Pleader [R1 & R2]**



ORDER

Heard Mr.S.Ambigapathi, learned counsel for the petitioner and Mr.M.Shajahan, learned Special Government Pleader [R1 & R2].

2. The petitioner seeks the 2nd respondent to conduct re-enquiry into the order passed by it on 10.12.2020.

3. A perusal of Section 76 of the Town and Country Planning Act shows that the power available to the 2nd respondent is an Appellate power against any order or decision taken by the planning Authority. The request for re-enquiry is not based on any statutory provision. The power of appeal against an order passed by the Director is only with the 1st respondent in terms of Section 79 of the Town and Country Planning Act.

4. The petition that has been filed by the writ petitioner on 09.08.2023 is to both the respondents 1 and 2. The 1st respondent shall treat the petition dated 09.08.2023 as an appeal under Section 79 and dispose of the same. Being a statutory appeal, the 1st respondent should have disposed of the same by now. Be that as it may.

5. This Writ Petition is disposed of, directing the 1st respondent to treat



the petition given on 09.08.2023 as an appeal under Section 79. Before passing any order in the said appeal, the 1st respondent shall hear the petitioner as well as the newly *suo-motu* impleaded 3rd respondent, Mr.K.K.Sengodan, S/o. K.T.Kalianna Gounder said to be residing at 27, P.V.P. Palli Street, Thindal, Erode - 638 012.

6. In the light of the order passed in the writ petition, notice to the newly *suo-motu* impleaded 3rd respondent is dispensed with. Appeal shall be disposed of on or before 30.06.2026. No costs.

25.02.2026

ssn

To

1. The Secretary to the Government,
Department of Housing and Urban Development,
Secretariat, Chennai-600 009.
2. The Director,
Directorate Town and Country Planning Department,
2nd, 3rd & 4th Floor, C & E Market Road,
Koyambedu, Chennai-600 107.



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V.LAKSHMINARAYANAN, J.,

ssn

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