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W.A.No.1485 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.1485 of 2026
and CMP No.13725 of 2026

The Executive Officer
Harur Town Panchayat, Harur,
Dharmapuri District.

Appellant(s)

Vs

D.Sumathy
W/o.V.Venkatraman,
No.7/299, Govindasamy Nagar,
Melbatchapettai, Harur Town,
Harur Taluk, Dharmapuri District.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 28.08.2025 passed by the learned Single Judge in WP No.22821 of 2017.

For Appellant(s): Mr.B.Anand

For Respondent(s):Ms.S.Nithya



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

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This appeal has been preferred under Clause 15 of the Letters Patent against the final order dated 28.08.2025 passed by the learned Single Judge in W.P.No.22821 of 2017. By the said order, the learned Single Judge quashed the proceedings in Na.Ka.No.674/2016/A1 dated 06.05.2017 issued by the appellant/Town Panchayat, which had unilaterally cancelled the building plan approval granted to the respondent.

2. The subject property consists of vacant land located in Mettupatti Village, Harur Town Panchayat, Dharmapuri District. The writ petitioner/respondent herein derived her title through registered Settlement Deeds executed in her favour in the year 2016. Upon establishing clear title via relevant revenue entries and obtaining a No-Objection Certificate, she was granted a building plan approval and construction license by the appellant on 21.04.2017.



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3. Soon thereafter, on 06.05.2017, the appellant abruptly cancelled the building approval on the premise that the subject land was earmarked for a public park via old Town Panchayat proceedings dating back to 09.02.1983. Aggrieved by this sudden cancellation, which took place without notice or a hearing, the respondent approached this Court in 2017 by filing W.P.No.22821 of 2017.

4. Learned counsel for the appellant challenges the order of the learned Single Judge primarily on the following assertions:

- (i) The land in question is classified as Grama Natham reserved for a public purpose, specifically a public park, and, therefore, permission to put up construction cannot be granted;
- (ii) There exists a bona fide title dispute regarding the character of the land that cannot be adjudicated in writ proceedings; and
- (iii) The respondent actively suppressed material facts from the writ court by failing to disclose the pendency of a civil suit, O.S.No.24/2021, filed by her



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before the District Munsif Court, Harur, seeking a permanent injunction and declaration against the same cancellation order.

5. We find that the primary argument regarding the land being earmarked for a public park was comprehensively rejected by the learned Single Judge. Despite multiple opportunities, the appellant failed to produce any document to prove the alleged 1983 park reservation proceedings, and only stated that it is untraceable. Furthermore, previous litigations involving adjacent lands (such as O.S.No.29/2000) also rejected similar assertions raised by the appellant/Town Panchayat. A State entity cannot cancel citizen-vested property permissions based on phantom documentation.

6. Qua the contention of the alleged suppression of the civil suit by the respondent, we have carefully scrutinized the additional typed set of papers placed before us by the appellant. The appellant stringently argues that the respondent failed to disclose the pendency of O.S.No.24/2021 in her writ proceedings.



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7. This suppression argument is entirely disingenuous and legally untenable, as it is a matter of record that in the detailed counter affidavit filed by the appellant herein before the learned Single Judge, the appellant did not make any mention whatsoever about the alleged pending civil suit. Having failed to raise the issue of alternative civil remedy or parallel proceedings before the writ court, the appellant is estopped from setting up a case of fraudulent omission at the appellate stage. That apart, a perusal of the plaint in the additional typed set shows that the civil suit was instituted on 15.02.2021, whereas the writ petition was filed by the respondent in the year 2017. It is an absolute impossibility for a litigant to disclose the existence of a future lawsuit that would only be filed four years later. Therefore, the appellant cannot allege that the writ petitioner/respondent herein suppressed or failed to disclose the said suit in a writ petition presented in the year 2017.

8. While we uphold the learned Single Judge's findings regarding the invalidity of the cancellation order, the operative direction requires a minor modification.



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9. The learned Single Judge directed the appellant to "issue a fresh building approval plan" to the respondent herein within four weeks. We note that the respondent herein already held a validly sanctioned building approval plan and license granted on 21.04.2017, which was subsequently set aside by the order dated 06.05.2017.

10. In law, once a court of competent jurisdiction quashes an order of cancellation, the original status quo ante is restored automatically. The setting aside of the cancellation order results in the immediate restoration of the original order granting approval dated 21.04.2017. Consequently, there is no requirement for the respondent to file any fresh application, nor is there a need for the appellant/Town Panchayat to process a fresh approval from scratch.

11. In light of the above discussions, we pass the following orders:

- (i) The appeal is hereby dismissed.
- (ii) The order of the learned Single Judge dated 28.08.2025 in W.P.No.22821 of 2017 is modified only to the effect that the



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setting aside of the impugned cancellation order results in the automatic restoration of the original building plan approval dated 21.04.2017.

(iii) No fresh application needs to be filed by the respondent herein to enjoy the benefits of the original plan approval.

There shall be no order as to costs. Connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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