



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 7070 of 2019 &
WMP.No.7787 of 2019**

Sakthi Vinayagar Nagar,
Residents welfare Association, A Registered
Association Represented by its President
A.A.Senthil, 5/5C, Shakthi Vinayagar Nagar,
Vellore Post, Coimbatore - 641 111.
(PETITIONER CAUSE TITLE AMENDED VIDE
ORDER DATED 27.01.2026 MADE IN
WMP.26210/2025 IN WP.7070/2019 BY
VLNJ)

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary
Rural Developement and Local
Administration Department,
Fort St.George, Chennai 600009.
2. The Chairman of Empowerd
Committee, Cum Secretary to the
Government Housing and Urban,
Development Department, Fort St. George
Chennai 600 009.



3. The Commissioner of Town and
Country planning No.807, Anna Salai,
Chennai 600 002.

4. The Member Secretary,
Local Planning Committee, Sivananda
Colony, Chennai 641 012.

5. The District Collector,
Coimbatore District, Coimbatore.

6. The Asst. Director of
Municipalities, Coimbatore Zone,
Coimbatore 641 018.

7. The Executive Officer,
Vellalore Town Panchayat Vellalore,
Coimbatore.

8. The Sub Registrar,
Registration Department, Singanallur
Coimbatore.

9. Smt. Asha Senthil

10. Smt. Baby Sathya

..Respondents

Calling for the records relating to the impugned
proceedings passed in Na.Ka.No.5470/2018/LA2 dated 26/03/2018



on the file of the 3rd respondent herein, Na.Ka.No.965/2018/Uthiku -I dated 30/04/2018 on the file of the 4th respondent herein, Na.Ka.No.212/2018/E dated 18/07/2018 on the file of the 7th respondent herein quash the same and consequently direct the respondents herein to preserve the area marked for public purpose of community Hall as per Lay out Approval granted in Ma.Va./Na.U.E.No.951/93 on the file of the 3rd respondent herein.

For Petitioner : M/s.K.Govi Ganesan
S.Sriram.

For Respondent : Mr.Naveen Kumar,
Government Advocate for R1 to R6 & R8
Mr.C.R.Prasanan for R9 and R10
Mr.P.Chinnadurai for
Mrs.A.Srijayanthi for R7

ORDER

I heard Mr.Govi Ganesan for the petitioner, Mr.Naveen Kumar for the respondents 1 to 6 and 8 and Mr.Chinnaduari for Mrs.A.Srijayanthi for the respondent 7 and Mr.C.R.Prasannan for the respondents 9 and 10.

The following facts are not in dispute:

2. The petitioner is an association of residents of a layout called “Sakthi Vinayagar Nagar”. The said layout was approved by the third



respondent in the year 1993. Apart from housing plots, areas were earmarked for park, shops, schools, water tank and community hall.

The writ petition pertains to the community hall.

3. This community hall was to an extent of 120 feet x 132 feet and has 30 feet road running on the front and rear sides. The layout promoters attempted to alienate the community hall, as it stood, but were not successful. Hence, they sought permission to convert the same into housing plots and alienate the same. To that end, the layout developers filed an application before the Empowered Committee functioning under the Directorate of Town and Country Planning for conversion of the said area into residential plots. The permission was granted permitting the division of the aforesaid area into six residential plots. The local authorities granted approval to the said proposal. On the basis of the said proposal, the seventh respondent also gave his approval on 18.07.2018. These proceedings have been put to challenge in the present writ petition.

4. It is the plea of Mr.Govi Ganesan that an area reserved for community hall purpose should be used only for that purpose and that conversion of the same for any other purpose is impermissible. He further adds that once the layout is developed and sold, the layout owners lose their right to alienate any portion thereof. He states that



as the conversion into house sites, is at the instance of incompetent authorities, the same deserves to be interfered with by this Court.

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5. Per contra, Mr.Naveen Kumar and Mr.P.Chinnadurai state that the Director of Town and Country Planning had issued a circular on 29.12.2015, pursuant to the minutes of the 30th Empowered Committee meeting held on 27.11.2015. In terms of the decision taken by the 30th Empowering Committee, the Committee decided that the Director of Town and Country Planning be empowered to issue orders for conversion of use from public purpose to residential or other purposes, if they fall within the saleable area of the layout developers. Before granting the permission, the Director had to ensure two conditions are complied with. The conditions are:

(i) the saleable plot / site earmarked for public purpose had not been developed for the earmarked purpose and has been lying vacant for at least five years from the date of planning permission granted by the Planning Authority, and

(ii) the same public purpose facility is available outside the approved area within a vicinity of 2 or 3 kms.

6. The plea of Mr.Govi Ganesan that the layout developers lost their right to alienate the property is partly correct and partly erroneous. Once a layout is developed, the areas reserved for roads,



parks, and open space reservation have to be maintained as such as they are meant for the benefit of the residents. They cannot be converted or alienated. This position is settled by the Supreme Court in ***Pt. Chet Ram Vashist v. Municipal Corporation of Delhi, AIR 1995 SC 430.***

7. Apart from the aforesaid areas, the layout developers is called upon by the Town Planning Authorities to make reservation for certain specified purposes like school and playground, kalyana mandapam, community hall etc. Unlike in the case of open space reservation and roads, the layout developer continues to have title over these area. If not for the decision taken by Empowered Committee on 27.11.2015, a layout developer would be stuck with lands reserved for these purposes, over which he or she has saleable rights, like an albatross about her/his neck.

8. Taking into consideration the difficulties expressed by the land owners, the Empowered Committee had permitted the Director of Town and Country Planning to permit conversion, if the two conditions were complied with. This is obviously to ensure that the land owner is not saddled with properties which cannot be alienated at all.



9. As pointed out above, the restriction on alienation of the saleable plots for any other purpose is circumscribed by the limitation of five years. In case, a layout developers intend to sell the property within a period of five years, obviously, he or she would have to do so only for the purpose for which it has been earmarked. After a period of five years has expired, and if similar facilities are available in the vicinity, a layout developer is permitted to approach the authorities and seek conversion of the purpose to residential or any other purpose.

10. A layout is a development within the meaning of Section 2(15) of the Town and Country Planning Act. In terms of Section 54 of the Town and Country Planning Act, the appropriate planning authority is entitled to revoke or modify permission for development. Under Section 54(1)(b), in case, the proposed change has already taken place, the Act demands that the change of use must not be permitted. In the present case, it is not in dispute that the area reserved for community hall had remained, as it is, for decades, without being alienated. Hence, the bar under Section 54(1)(b) also does not operate.

11. A perusal of the papers reveals that in terms of the circular issued by the Empowered Committee, respondents 9 and 10 had



approached the Director of Town and Country Planning for conversion of community hall into residential plots. Technical approval had also been granted by the said authority. When the original order empowering the Director of Town and Country Planning to grant such approvals has not been put to challenge, the consequential order passed by him based on that order, certainly cannot be challenged on the ground of lack of authority. The proceedings of the 30th Empowered Committee dated 27.11.2015 specifically record that the power to grant conversion of saleable plots allotted for public purpose in an approved layout into residential use vests with the Director.

12. At this stage, Mr.Govi Ganesan invited my attention to the judgment of this court in the ***Commissioner, Corporation of Coimbatore v. G.Ramkumar and another, W.A.No.2525 of 2022 etc.***, batch dated 12.09.2025. He states that this judgment operates in full force to the facts of the present case.

13. A perusal of the facts, as pointed out in paragraph 4 of the judgment, reveal that the approval had been granted by the Executive Officer of Town Panchayat on 02.09.1991. This Court had come to the conclusion that the Executive Officer of Town Panchayat is not the competent authority and hence, held that the order passed by him is null and void.



14. It is not the case of the petitioner herein that the seventh respondent had exclusively granted the permission. The second respondent had empowered the third respondent and the third respondent had granted the necessary approval for conversion. Hence, the judgment relied upon in W.A.No.2525 of 2022 etc., batch does not apply to the facts of the present case.

15. When respondents 9 and 10 have the right, title and interest over the property and they were not in a position to alienate the property as a community hall, for five years and more (layout was approved in 1993 and conversion permission was granted on 2018), the impugned orders do not suffer from any infirmity. Consequently, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

17-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

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V.LAKSHMINARAYANAN, J.

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