



WEB COPY

W.P.No. 9627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR

W.P.No. 9627 of 2022
and W.M.P.No. 9369 of 2022

V.S. Trust
Rep by its Hereditary Trustee
Mr. A.C.Muthiah
T.S.No.300, Ward 5, Block 5,
Door No.71, South Car Street,
Chidambaram

.. Petitioner

vs

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Housing & Urban Development (Nava 5/1) Department,
Fort St. George, Chennai - 600 009.
- 2.The Chidambaram Municipality
Rep. by its Commissioner,
Chidambaram,
Cuddalore - 608 001.
- 3.The Member Secretary/
President Local Planning Authority
Chidambaram, Cuddalore - 608 001
- 4.Directorate of Town and Country Planning
Koyambedu, Chennai.
(*suo motu impleaded vide this order*)



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.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the Respondent in connection with its order dt.07.03.2022 in G.O. (3D) No. 12 of the 1st respondent and quash the same.

For Petitioner : Mr.R.Srinivas, Senior Counsel
for Mr.s.Sithirai Anandam

For Respondents : Mr.V.Ravi
Special Government Pleader
for R1 & R3
Mr.P.Srinivas for R2

ORDER

(Made by Dr. ANITA SUMANTH, J.)

The prayer in the writ petition is for a certiorarified mandamus calling for the records of the Principal Secretary to Government, Housing and Urban Development Department / R1 dated 7.3.2022 in G.O.(3D) No. 12 and quash of the same.

2. Mr.P.Srinivas files an affidavit to the effect that the application for re-zoning as continuous building zone has been approved by the Council and has been forwarded on 09.11.2024 to the Directorate of Town and Country Planning, from whom they await approval. Should the resolution to the Council be approved by the Directorate, the area will be



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cleared as a continuous residential zone obviating the necessity for any action to be taken as against the petitioner as there would be no violation in such circumstances. Affidavit dated 2.02.2026 is taken on record and the relevant part thereof reads as follows:-

“4.The process of declaring the area as a continuous building area was started by the Municipal Council. The survey of the areas was completed and the proposal was placed before the Chidambaram Municipal Council on 28.10.2024 and after considering the said proposal the Council passed the proposal by resolution Number 79, dated 28.10.2024.

5. This resolution along with the records relating to the proposal were forwarded to the Director of Town & Country Planning by this respondent on 09.11.2024 via Assistant Director of Town & Country Planning, Cuddalore. The process of notifying the area as a Continuous building Area will be done by the Director of Town and Country Planning as stated in Rule 30(1) Area of Special Character in Tamilnadu Combined Development and Building rules 2019 effect from Feb-01-2019 still now the same rule is followed by all ULBs.

6. On the area being declared as a Continuous Building Area, the set back spaces will not be required for the construction. In regard to the petitioner's construction, the same were put up after obtaining the building permission, but in violation of the set-back spaces marked in the same. On the area being declared as Continuous Building Area, the petitioner can apply for the revised building approval rectifying all the violations by proposed conversions in drawings and the said application will be considered as per the requirements for the same under the declaration of Continuous Building Area by Director of Town and Country Planning.



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7. *The approximate time period required for the notification of the same as Continuous Building Area is not specifically noted in Tamilnadu Combined Development and Building Rules, 2019 Rule No 30(1)."*

3. In light of the aforesaid, we suo motu implead, *Directorate of Town and Country Planning, Koyambedu, Chennai* as respondent no.4 as the authority to take a decision on Municipal Resolution bearing No. 79. dated 28.10.2024 and Mr.V.Ravi, learned Special Government Pleader, accepts notice, for newly impleaded R4.

4. There is a direction to R4 to look into the Municipal Resolution within a period of four (4) months and pass orders, one way or the other, in accordance with law. Should the Directorate be of the view that the same is liable to be accepted, then necessary Gazette Notification be issued within a period of two (2) months thereafter. For a period of six (6) months or till such time a decision by the Directorate, which is earlier, status quo shall be maintained qua petitioner.

5. This writ petition stands closed in terms of this order. No costs. Connected miscellaneous petition is closed.

[A.S.M, J.] [M.S.K, J.]
05.02.2026

Index:Yes/No
Neutral Citation:Yes
ssm

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To

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