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Order QR



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

Case QR

WA No. 3175 of 2026
*CNR: {HCMA011196042026}*

C.Jambulingam
S/o. Late Chokkalingam,
No.14A, Block A3, Ishwarayam Apartments,
Buddha Street, New Perungalathur,
Chennai - 600 054.

..Appellant(s)

Vs

1. The Deputy Director
   Town and Country Planning
   District Town Planning
   No.33/95, kotarampalayam Street,
   Old Employment Office,
   Kancheepuram- 631 501.

2. Sivasubramaniam
   S/o. Hari Raman,
   No.27, Market 1st Street,
   West Tambaram,
   Chennai - 600 045.

..Respondent(s)

PRAYER: Writ Appeal has been filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.28441 of 2022 dated 26.03.2026 by the learned Single Judge.

For Appellant(s): Mr.Adinarayana Rao
For Respondent(s): Mr.M.Roshan Atiq
Additional Government Pleader For R1.

JUDGMENT



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[Judgment of the Court was delivered by G.Arul Murugan J.]

The present Intra-Court Appeal assails the order dated 26.03.2026 made in W.P.No.28441 of 2022, whereby the direction sought by the appellant herein to implement the order dated 02.06.2022 passed by the 1st respondent/Deputy Director of Town and Country Planning came to be rejected by the Writ Court.

2. Learned counsel appearing for the appellant contended that, since the right of the appellant to have an access was denied, he submitted proper application, which was disposed of by the 1st respondent by order dated 02.06.2022 and seeking implementation, he has filed the writ petition. He further submitted that, the authority, who had passed an order in favour of the appellant, took a contrary stand before the Writ Court stating that the appellant is having an alternate way of access and based on this the writ petition came to be dismissed. The learned Single Judge had not considered the original order passed by the authority and, in such circumstances, he seeks interference.

3. Heard learned counsel on either side and perused the materials available on record.



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4. The 2nd respondent had obtained a layout approval for formation of the layout vide proceedings dated 16.08.2018. The appellant, who was an adjacent landowner, contending that access to his lands in Survey No.293/6 was blocked sent a representation to the 1st respondent seeking revision of the plan by allowing him to have access. According to the appellant, the same was disposed of by the 1st respondent by order dated 02.06.2022, where access was granted. In order to execute the order, the writ petition came to be filed.

5. At the outset, we find that the writ petition filed by the appellant was itself not maintainable. A perusal of the order dated 02.06.2022 reveals that no adjudication has taken place before the 1st respondent in respect of the complaint made by the appellant. The proceedings merely record that the appellant submitted a complaint, based on which, the 1st respondent, in a brief two-line communication, forwarded the matter to the 2nd respondent, with a direction to provide a revised road in the layout within fifteen days by granting access to the appellant's land in S.No.293/6. Absolutely, no adjudication has taken place on the complaint filed by the appellant and the 2nd respondent was also not issued with any notice or any enquiry was conducted. To say the least, the proceedings dated 02.06.2022, which the appellant construes to be an order to be implemented pursuant to the directions of this Court, is not an order



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passed upon proper adjudication, under the provisions of any Act or Rules. Without any adjudication, the 2nd respondent was simply intimated to provide access to the appellant.

7. If the appellant construes it to be a valid order passed by the 1st respondent, it is for the appellant to go before the 1st respondent to seek its implementation under the relevant provisions of the Act or Rules. Instead, the appellant approached this Court with a writ petition under Article 226 of the Constitution of India, seeking to execute an order passed by the Deputy Director of Town and Country Planning, which on the face of it is per se not maintainable.

8. The learned Single Judge considered the writ petition and took note of the counter affidavit filed by the authorities, where it was stated that the appellant has access through a 20-foot road in S.No.293/7. On this basis, the learned Single Judge, ultimately, dismissed the writ petition, however, permitting the appellant to make a representation to the authorities with regard to provision of pathway to canal.

9. In view of the above deliberations, we find that the conclusion arrived at by the learned Single Judge in dismissing the writ petition is perfectly justified.



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10. Consequently, we find no error or perversity in the order dated 26.03.2026 passed in W.P.No.28441 of 2022 by the learned Single Judge.

11. Accordingly, the Writ Appeal stands dismissed. No costs.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ab/Jeni

To

The Deputy Director
Town and Country Planning
District Town Planning
No.33/95, kotarampalayam Street,
Old Employment Office,
Kancheepuram- 631 501.



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THE HON'BLE CHIEF JUSTICE.
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