



WEB COPY

WP No. 26671 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 26671 of 2021

P.C.Shyam Sundar
S/o.P.K.Chandrasekaran, No.97,(143), Rasappa
street, Edapalayam, Chennai-600 003

..Petitioner(s)

Vs

1. Government of TamilNadu
Rep by its Secretary to Government, Housing
and URban Development Department,
Secretariat, chennai-600 009
2. The Chennai Metropolitan Development
Authority
Rep by its Member Secretary, No.1, Gandhi
Irwyn Road, Egmore, chennai-600 008

..Respondent(s)

Prayer: This Writ is filed to issue a Writ of Certiorarified Mandamus, calling for the records of 1st respondent in their letter No.4044/UD-5(1) / 2017-8 dated 17.11.2021 relating to regularisation of the building at Old Door No.143 New Door No.97 Rasappa Chetty street, Edapalayam, chennai-600 003 and quash the same, in so far as the same is inconsistent to the earlier order of the 1st respondent in their Letter No.4044/UD-VI(2) / 2017-4 dated 26.4.2019 and direct the respondents to regularize the aforesaid building in the light of order of the 1st respondent in Letter No.4044/UD - VI(2) / 2017-4 dated 26.4.2019 and the consequential petitioners compliance report dated 20.5.2019

For Petitioner(s):

D.S.Rajasekaran



For Respondent(s):

Mr. V.Ravi, SGP-R1

M/s. Veena Suresh, SC For R2

WEB COPY

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

1. A strange case of non-application of mind by the Respondents has brought the Writ Petitioner to this Court, seeking redressal.
2. The facts of the case, in a nutshell, are that a forty years ago, the ancestors of the Writ Petitioner had put up a construction in a very busy lane in Chennai. Apparently, the construction is in violation of the planning permission. When action was initiated for removing the unauthorised construction, the Writ Petitioner has taken a legal recourse, as contemplated under the Tamil Nadu Town and Country Planning Act, 1971. The ultimate redressal Forum in the hierarchy is the Government, which is empowered under Section 79 of the said Act to consider the appeal. Accordingly, when the Writ Petitioner had preferred an appeal for rectification of the superstructure, the Appeal Committee had entertained the appeal and by the order dated, 26.04.2019, passed the following order:-

“3. Accordingly, the Government direct the Appellant to remove the projected structures on to the road and to restore the building in line with the adjacent building's line within 31.05.2019.

3. The case of the Writ Petitioner is that in compliance with the said order, he had removed the projection in his building, in line with the adjacent buildings. However, as an attempt to verify the compliance, it appears that



the Government has deputed a Team to inspect the building and file a report.

As a consequence, the Team has, without applying their mind, had gone back to square one and had passed the impugned order, which reads as follows:-

“3. The Government accepted the recommendation of the Appeal Committee. Accordingly, the Government hereby direct Thiru. P.C.Shyamsundar to restore the front setback in first floor and demolish the second floor construction within three months time in order to comply the existing building within the permissible limit of FSI 2.0 as per the Tamil Nadu Combined Development and Building Rules, 2019 and furnish the compliance report to the Government for placing it before the Appeal Committee.”

4. Section 79(4) of the Tamil Nadu Town and Country Planning Act, 1971 categorically states that the decision or order of the prescribed Authority on such appeal shall be final and therefore, in this case, when the order of the Authority, dated 26.04.2019, has attained finality, there cannot be a revisit to the said order, unless there is any further intervention by the Competent Authority or by the Court.
5. In this case, from the communication, dated 03.03.2026 of the Additional Secretary (Technical), Housing and Urban Development Department as well as the counter affidavit filed by the 1st Respondent, namely, the Principal Secretary to Government of the same Department, it reveals that the Appeal Committee had met again and had passed the impugned order, despite the fact that the earlier order, dated 26.04.2019 had reached finality.
6. The impugned order does not speak about the reason for reviewing the earlier order or under what authority, the earlier order had been superseded by the



subsequent order. Under the Tamil Nadu Town and Country Planning Act, 1971, the order passed by the prescribed Authority is final and there is no provision for reviewing the order, that too, without assigning any reason.

The impugned order per se bristles with infirmity and illegality and hence, it requires interference by this Court.

7. As a result, this Writ Petition is allowed. The impugned order of the 1st Respondent, dated 17.11.2021 shall stand quashed. There is no order as to costs. However, we make it clear that the Writ Petitioner shall not take advantage of this order and put up any additional construction in the subject premises or projection over the road.

(G.J.,J.) (S.S.A.,J.)
04-03-2026

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

SRCM



WEB COPY

WP No. 26671 of 2



**DR.G.JAYACHANDRAN, J.
AND
SHAMIM AHMED, J.**

SRCM

WP No. 26671 of 2021

04-03-2026



To

1. Government of TamilNadu
Rep by its Secretary to Government, Housing
and Urban Development Department,
Secretariat, chennai-600 009
2. The Chennai Metropolitan Development
Authority
Rep by its Member Secretary, No.1, Gandhi
Irwyn Road, Egmore, chennai-600 008