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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-10-2026**

CORAM

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**WP No. 35813 of 2026**
**and**
**WMP Nos. 40039 & 40040 of 2026**

*CNR: {HCMA012049172026}*

S.Sundar, Chairman Trustee,
S/o. Sekar,
M/s. Bharathidhasanar Educational and Charitable
Trust, No.443/24, Town Hall 2nd Street,
Stuartpet, Arakkonam,
Ranipet District - 631 001.

..Petitioner

Vs

1. The State of Tamil Nadu,
   Rep. By its Principal Secretary to Government,
   Housing and Urban Development Department,
   Secretariat,
   Chennai-600 009.

2. The Director of Town and Country Planning,
   CMDA Office Complex,
   Koyambedu,
   Chennai-107.

3. The Assistant Director/District Officer,
   District Town Planning Office,
   No.56, Police Line Street,
   Kaveripakkam, Nemili Taluk,
   Ranipet District - 632 508.

4. The President,
   Kaveripakkam Panchayat,
   Nemili Taluk,
   Ranipet District - 632 508.

..Respondent



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the impugned rejection order passed by the 3rd respondent in File No:SWP/BPA/868072/2026/TCP, dated 16.08.2026 to quash the same as illegal, arbitrary and unreasonable and consequently direct the respondents to grant Building plan approval for the proposed School Building bearing Survey Nos. 16/1A, 16/1B1, 17/2 and 17/3, Kondapuram Village, Kaveripakkam Town, Nemili Taluk, Ranipet District to the extent of 7441.14 square metre in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr. R. Singaravelan, Senior Counsel, for Mr. K. Arumugam

For Respondents : Mr. R. Nandhakumar, (for R1 to R3) Additional Government Pleader

**ORDER**

The Writ Petition has been filed challenging the impugned rejection order passed by the third respondent in File No: SWP/BPA/868072/ 2026/TCP, dated 16.08.2026 and seeks a consequential direction to grant building plan approval for its proposed School Building bearing Survey Nos. 16/1A, 16/1B1, 17/2 and 17/3, Kondapuram Village, Kaveripakkam Town, Nemili Taluk, Ranipet District to the extent of 7441.14 square metre in accordance with law within a time frame fixed by this Court.



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2. The case of the petitioner is that the petitioner/Trust purchased an extent of 2.80 acres of land on 04.12.2025 for the purpose of establishing a School. On 12.03.2026, the District Collector, Ranipet District, had granted permission for conversion of the land for non-agricultural use for the construction of the proposed School building, subject to certain conditions. Thereafter, on 01.07.2026, the Tahsildar, Nemili Taluk, issued the necessary certificates relating to the water channel and the proposed arrangement/modifications for its use. The Executive Officer, Kaveripakkam Town Panchayat, had issued a certificate on 03.07.2026 regarding the approach road and confirmed that the access road did not fall within the jurisdiction of the National Highways. Further, on 17.07.2026, the Executive Engineer, Water Resources Department, had issued the necessary certificate/No Objection Certificate with regard to the water resources aspect of the proposed development.

3. According to the petitioner, he has also obtained the necessary No Objection Certificate (NOC) from the Fire and Rescue Services Department, along with the Structural stability certificate/report and Soil test report from the concerned Engineer, besides furnishing the other documents required for possessing the Building Plan application. The petitioner submitted an application seeking approval for the construction of a Non-High-Rise School Building comprising Ground plus 3 Floors, to the extent of 11,500 Sq.metres



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and a total FSI area 7261.81 Sq.metres and total build up area is 7367.02 Sq.meters. On 16.02.2026, the third respondent had inspected the site and thereafter, raised certain technical queries on 19.02.2026. The petitioner states that said queries were duly complied with and uploaded his reply on 20.03.2026. On 13.04.2026, the said proposal was returned on the ground that the defects had not been properly rectified. Thereafter, the order now under challenge was passed.

4. Now, let us examine the impugned order and the same is extracted hereunder:-

> *" Categories: Affecting parameter*
>
> *The existing school building approval application had been received hence it was inspected and additional particulars were called from the applicant. While receiving the additional particulars it was observed that the site comes under field channel and adjacent to canal as per the revenue records. Hence, it violates the following TNCD & BR 2019 rule Annexure XV, 1(b). "Site of the school building shall not be adjacent to Water bodies" Hence your proposal is rejected. If applicant have any objection in this order you may prefer the appeal to the Government under Section 79 of the Tamil Nadu and Country Planning Act, 1971."*

5. Mr. Singaravelan, learned Senior Counsel for the petitioner, submitted that neither the site plan submitted for approval nor the Government records disclose the existence of any water body at the site. He further highlighted that the physical site inspection report also confirmed the absence of


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any water body, and that no such water body had been depicted in the Field Measurement Book (FMB). In this regard, he drew attention of this Court to the specific observation in the inspection report, which categorically states that 'there is no water body', and further, 'no water body has been shown in the FMB'.

6. He further submitted that the Government revenue records do not reflect that the subject property falls under any restricted category, or that the proposed school building is situated on a water body, the third respondent nevertheless passed the impugned order rejecting the proposal on the ground that the school building must not be situated adjacent to a water body.

7. Crucially, the third respondent has failed to specify where the alleged water body is located, the exact distance between the petitioner's school and the water body, and which specific revenue records indicate that the petitioner's land is adjacent to it. In the absence of such vital material necessary to reject the petitioner's claim, the petitioner has been constrained to challenge the impugned order by way of the present writ petition.

8. Learned Senior Counsel for the petitioner further submitted that the third respondent, who passed the impugned order, is not the competent authority and lacks the jurisdiction to pass the same.


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9. Per contra, Mr. R. Nandhakumar, learned Additional Government Pleader appearing for respondents 1 to 3 submitted that a statutory appeal is available to the petitioner under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971. He further contended that when an effective alternative remedy exists, the petitioner cannot bypass the statutory mechanism. Even the plea that the impugned order was passed without jurisdiction can be properly agitated before the appellate authority. He argued that if such writ petitions are entertained despite the availability of an alternative remedy, it would open the floodgates to litigation, encouraging litigants to routinely bypass the prescribed legal procedure.

10. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to3, and also perused the materials available on record.

11. The points for consideration are:

*1. Whether the petitioner has breached any condition for the construction of the school, despite having obtained all necessary permissions from the appropriate authorities, including approval from the District Collector?*



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*2. Whether the impugned order, which has prevented the school from commencing its operations, was passed by the third respondent with or without jurisdiction?*

12. On the question of jurisdiction, the learned Additional Government Pleader appearing for the respondents fairly submitted that the third respondent is empowered to pass orders only in respect of areas measuring up to 40,000 square feet. However, in the present case the extent of the petitioner's proposed building/land exceeds 80,000 square feet. Therefore, the third respondent completely lacks jurisdiction to pass the impugned order.

13. When an authority derives its power from a statute that prescribes specific jurisdictional limits, any order passed in excess of such limits is without jurisdiction and, consequently, a nullity in the eye of law. While the Government Pleader contends that the petitioner must exhaust the statutory appellate remedy and follow the prescribed procedure, this Court is of the view that when a fundamental question of jurisdiction is raised, it is incumbent upon the Court to examine it. Furthermore, the right to property is a constitutional right guaranteed under Article 300A of the Constitution of India. Such a right cannot be casually infringed upon by an order passed by an authority entirely lacking inherent jurisdiction.



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14. It is pertinent to note that the third respondent functions in a major industrial hub (i.e., Ranipet District). The passing of such an order, completely devoid of jurisdiction, strongly suggests a hidden agenda or extraneous considerations. It reflects a total lack of accountability on the part of the third respondent. Therefore, the first respondent/the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai, is directed to initiate appropriate disciplinary proceedings against the third respondent, within a period of three months from the date of receipt of a copy of this order.

15. In view of the fact that the order passed by the third respondent is entirely without jurisdiction, the impugned order is hereby set aside, and the third respondent is directed to pay a sum of Rs.10,000/- as costs to the petitioner.

16. Accordingly, the Writ Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

**27-10-2026**

Speaking/Non-Speaking Order
Neutral Case Citation: Yes/No

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To

1. The Principal Secretary to Government,
   State of Tamil Nadu,
   Housing and Urban Development Department,
   Secretariat, Chennai-600 009.

2. The Director of Town and Country Planning,
   CMDA Office Complex,
   Koyambedu, Chennai-107.

3. The Assistant Director/District Officer,
   District Town Planning Office,
   No.56, Police Line Street,
   Kaveripakkam, Nemili Taluk,
   Ranipet District - 632 508.

4. The President,
   Kaveripakkam Panchayat,
   Nemili Taluk,
   Ranipet District-632 508.



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**N.SENTHILKUMAR, J.**

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