



W.P.(MD)No.4322 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.4322 of 2026

and

W.M.P.(MD)No.3601 of 2026

M/s.Rajam Educational Health and Charitable Trust,
Represented through its Secretary
N.Dhanasekaran,
S/o.K.Nallathambi,
9/186-1, Saminathan Nagar,
Perambalur Road, Thuraiyuru Post,
Trichy District.

... Petitioner

vs.

1.The Director of Town and Country Planning,
Town and Country Planning Department,
Chennai.

2.The Joint Director,
The Directorate of Town and Country Planning
Khajamalai Main Road,
Khajamalai, Trichy.

3.The Assistant Director,
Geology and Mining Department,
Tiruchirappalli.



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4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board
No.25, SIDCO Industrial Estate
Thuvakudi, Trichy.

5.The Special Tahsildar (Minerals),
Tiruchirappalli District.

... Respondents

(The fifth respondent was *suo motu* impleaded vide order of this Court, dated 23.02.2026)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Order issued by the 2nd Respondent in File No.9VGCR6F8/2025/TCP dated 17.12.2025 and quash the same and consequently, to direct the 2nd Respondent to give the plan approval of the petitioner's property in S.No.382/3A to an extent of 1 Acre 84 cents and S.No.382/3B to an extent of 1 Acre 38 cents in total 3 Acres 22 cents at Murugur Village, Thuraiyur, Trichirappalli.

For Petitioner :Mr.C.Vakeeswaran
For R1 to R3 and R5:Mr.D.Sadiq Raja
Additional Government Pleader
For R4 :Ms.Madhuri Donti Reddy



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ORDER

The petitioner assails the impugned order dated 17.12.2025 issued by the second respondent, whereby the petitioner's application for approval of a residential layout in Survey No. 382/3A, measuring an extent of 1 acre and 84 cents, and Survey No. 382/2B, measuring an extent of 1 acre and 38 cents, in all aggregating to 3 acres and 22 cents, situated at Murugur Village, Thuraiyur Taluk, Tiruchirappalli District, was rejected.

2. Heard Mr. C. Vakeeswaran, learned counsel for the petitioner, Mr. D. Sadiq Raja, learned Additional Government Pleader for respondents 1 to 3 and 5, and Ms. Madhuri Donti Reddy, learned counsel for the fourth respondent.

3. Approval of layouts is governed by the provisions of the Tamil Nadu Combined Development and Building Rules, 2019. Annexure XVII appended to Rule 9 deals with development in prohibited or restricted areas. As per the Rules, the petitioner was required to obtain No Objection Certificates (NOCs) from various authorities, including the

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Department of Geology and Mining.

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4. The Department of Geology and Mining issued a communication dated 03.04.2025 granting NOC for the proposed layout. In the said communication, it is specifically stated that a crushing unit located within approximately 210 meters from the subject land has not been operational for several years.

5. Despite the issuance of the NOC, the second respondent rejected the application on the ground that the licence for the said crushing unit had not expired and, therefore, it must be treated as an “existing crusher” under Clause 3(b) of Annexure XVII. It is further stated in the counter affidavit that the Tamil Nadu Pollution Control Board has granted consent to operate the unit till the year 2030.

6. Clause 3(b) of Annexure XVII stipulates that no layout for building purposes shall be approved within a radius of 500 meters from an existing crusher. In the present case, the competent authority, based on a report of the Tahsildar after field inspection, has categorically stated



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that the crusher unit is not operational for several years. Consequently, such a non-functional unit cannot be treated as an “existing crusher” within the meaning of the Rules.

7. The second respondent has not disputed the genuineness of the NOC issued by the Department of Geology and Mining. In such circumstances, the rejection of the petitioner’s application by ignoring the said NOC is arbitrary and unsustainable.

8. The mere fact that consent to operate has been granted by the Pollution Control Board till 2030 cannot, by itself, lead to the conclusion that the crusher unit is actually operational. The ground reality, as reflected in the Tahsildar’s report, indicates that the unit has not been functioning for several years. Therefore, the reasoning adopted in the impugned order is flawed.

9. Accordingly, the writ petition is allowed, and the impugned order passed by the second respondent in File No. 9VGCR6F8/2025/TCP dated 17.12.2025 is hereby quashed. The second respondent is directed to



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reconsider the petitioner's application for approval of the residential layout and grant approval, subject to the petitioner satisfying all other eligibility criteria.

10. The aforesaid exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

11. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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HEMANT CHANDANGOUDAR, J.

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