



WP(MD). No.11011 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/03/2026

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THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

WP(MD). No.11011 of 2025

and WMP(MD)No.8218 of 2025

K.Velusamy
Petitioner

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Vs

1. The State of Tamil Nadu,
Rep by its Secretary
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai 600 009.

2. The Commissioner,
Town and Country Planning
No.807 Anna Salai
Chennai.

3. The Joint Director,
District Town and Country Planning
District Collector Office Building



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Dindigul.
Respondents

...

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.3973/2024 Thi.Maa.3, dated.19.03.2025 and quash the same on the ground the same is arbitrary, illegal and without any legal basis and consequently directing the 3rd respondent herein to permit the petitioner to pay 10percent of the guideline value instead of allotting land for open space area in the light of the G.O.Ms.No.94, dated.16.03.2024.

For Petitioner : Mr.S Sades Kumar

For Respondents : Mr.P.Subbaraj,
Spl. Government Pleader

ORDER

The petitioner challenges the communication dated



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19.03.2025 issued by the third respondent.

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2. By the said communication, the petitioner's request to retain 10% of the unsold plot area on payment of 10% of the prevailing guideline value as contemplated under G.O.Ms.No.94 dated 16.03.2024 came to be rejected.

3. The petitioner states that he had formed a residential layout in the property comprised in Survey Nos.88/6 and 89/6, measuring an extent of 1.83 acres, in the name and style of "CM Golden Nagar". In the said layout, a total of 32 plots were formed, out of which 16 plots have already been sold. In accordance with the provisions of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017, the petitioner applied for regularisation of the remaining 16 plots and, at the time of regularisation, an extent of 3224.64 square metres was reserved as Open Space Reservation (OSR).

4. Heard the learned counsel appearing on either side and



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perused the materials available on record.

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5. Subsequent to the regularisation of the unapproved layout, the Government issued order in G.O.Ms.No.94 dated 16.03.2024. By the said Government Order, Rule 7 of Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017 was amended and the amendments reads as follows;



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“In the said Rules, in rule 7, in clause (g), in sub-clause (II), for the expression "The reservation of land for Open Space Reservation shall be provided by amalgamating or altering the unsold plots to an extent not less than 10% of the total area of unsold plots. However, it would not be essential to provide 10% of the unsold plot area in a layout in one contiguous stretch or in definite dimension", the expression "10 % of the unsold plot area shall be provided as Open Space Reservation. However, in respect of the layouts having unsold plot area upto 5000 Sq.m., the applicant shall either provide 10% of unsold plot area as Open Space Reservation or pay the amount equivalent to 10% of the prevailing guideline value of the unsold plot area" shall be substituted.”

By the said amendment, the applicant shall either provide 10% of unsold plot area as open space reservation or to pay the amount equivalent to 10% of prevailing guideline value of unsold



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plot area shall be substituted.

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6. However, the said request came to be rejected on the ground that G.O.Ms.No.94 dated 16.03.2024 came into force subsequent to the regularisation of the layout formed by the petitioner and therefore the benefit of the said Government Order cannot be extended to the petitioner. By the said Government Order, an amendment was introduced by substituting clause (g) in sub-clause (ii) of Rule 7 of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017, enabling the applicant, in respect of unsold plots up to 5000 square metres, either to earmark 10% of the unsold plot area as Open Space Reservation or to remit an amount equivalent to 10% of the prevailing guideline value in lieu of such reservation.

7. In statutory interpretation, the substitution of a rule generally relates back to the date of the original rule, unless the amending authority expressly indicates that it is to operate prospectively. In the present case, G.O. Ms. No. 94 dated 16.03.2024 does not specify prospective operation; therefore, the



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amendment to Rule 7 is to be construed as operating retrospectively.

8. In the view of this, rejecting the petitioner's request on the ground that the Government Order is prospective is unsustainable. The amendment introduced by G.O.Ms.No.94 is beneficial in nature and provides an alternative method to comply with the Open Space Reservation requirement for unsold plots.

9. The petitioner is not seeking to reopen or alter the earlier regularisation already granted, but only seeks to avail the option subsequently provided by the Government for dealing with the unsold plots. Therefore, the respondents cannot deny the benefit of the said amendment merely on the ground that the layout had been regularised prior to the issuance of the Government Order.

10. It is a well-settled principle that beneficial and enabling provisions introduced by way of statutory amendments or executive orders should be interpreted in a manner that advances



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the object of the legislation and not in a manner that defeats the purpose of such amendment. When the Government itself has provided an option to regularised layouts having unsold plots to either reserve land or pay the equivalent guideline value, the authorities are bound to consider such a request in accordance with the amended rules.

11. In such circumstances, the rejection of the petitioner's request by the third respondent without taking into consideration the scope and object of the amendment introduced through G.O.Ms.No.94 dated 16.03.2024 is arbitrary and contrary to the provisions of the Tamil Nadu Regularisation of Unapproved Layouts and Plots Rules, 2017. Consequently, the impugned communication issued by the third respondent cannot be sustained in law.

12. Accordingly, the impugned communication dated 19.03.2025 issued by the third respondent is hereby quashed. The



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third respondent is directed to calculate 10% of the prevailing guideline value for the extent of 3224.64 square metres in Survey Nos.88/6 and 89/6 and, upon payment of the amount equivalent to 10% of the guideline value by the petitioner, the petitioner shall be at liberty to convert the said land into housing plots in accordance with law.



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13. In fine, this Writ Petition stands allowed. No Costs.

Consequently, the connected Miscellaneous Petition stands closed.

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Index : Yes/No

Internet : Yes/No

CM /ak

To,

1. The Secretary

Housing and Urban Development Department

Secretariat, Fort St. George

Chennai 600 009.

2. The Commissioner,

Town and Country Planning

No.807 Anna Salai

Chennai.

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3. The Joint Director,
District Town and Country Planning
District Collector Office Building
Dindigul.



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HEMANT CHANDANGOUDAR,J

CM/ak

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