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W.P.No.32125 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM:

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.32125 of 2016

and

W.M.P.No.15406 of 2025, 27869 & 27870 of 2016

P.Arivudainambi,
S/o.P.Parasuraman,
2/574-B, Singaravelan Street,
Chinna Neelangarai,
Chennai-600 041.

..Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary, Housing & Urban
Development Dept., Fort St. George,
Chennai-600 009
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai-600 008.

..Respondents

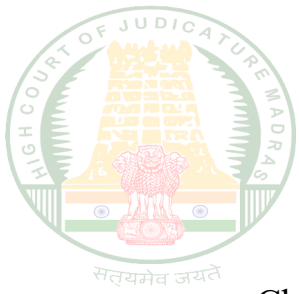
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records relating to impugned G.O.Ms.No.130 H & UD Department dated 09.06.2008 passed by the 1st respondent as null and void, arbitrary, illegal, discriminatory, no object is sought to be achieved and quash the same.

For Petitioner:

Mr. Shunmuga Sundaram, Sr. Adv.
For Mr.M.Alagu Goutham

For Respondents:

Mr. M.Sivavarthanan, Govt.Counsel for R1
Mrs. P.Veena Suresh for R2



ORDER

Challenging the impugned G.O.Ms.No.130, Housing & Urban Development, dated 09.06.2008 passed by the 1st respondent, the petitioner has filed the present writ petition. Since the petitioner is aggrieved against the set of guidelines prescribed under G.O.Ms.No.130, Housing & Urban Development, as regards the minimum plot extent, minimum plot coverage, Maximum FSI and Maximum height etc, the petitioner has filed the present writ petition.

2. According to the learned Senior Counsel for the petitioner, the Government has lifted the ban order in G.O.Ms.No.85, H & UD (UDI) Department, dated 13.03.2007, so as to facilitate the planned development. The objective of the above said G.O. is recharge of the aquifer. If the rain water harvesting are properly provided and implemented, the objective of the G.O. can be very well achieved. Hence, according to the learned Senior Counsel, the above said guidelines annexed in the impugned Government Order has absolutely no nexus to the object sought to be achieved.

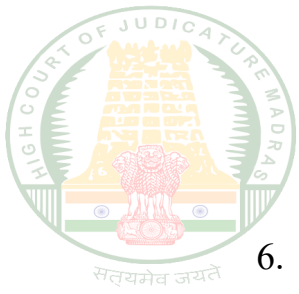
3. Further the learned Senior Counsel appearing for the petitioner submits that the petitioner has put up construction on one ground of his land and he has been carrying out his professional work in that place. Taking into account the guidelines prescribed under the impugned G.O., the planning



permission sought for by the petitioner was not granted and he was subjected to action under Section 56(2-A) of the Tamil Nadu Town and Country Planning Act, 1971. Aggrieved against the same, the petitioner filed an appeal before the Government, seeking regularisation on 29.08.2016 to avoid interference of the respondents 1 & 2 in sanctioning the planning permission. Subsequently, the second respondent issued the de-occupation notice dated 31.08.2006 to the petitioner. Aggrieved against the same, the petitioner has filed a petition seeking an order of injunction, restraining the respondents 1 & 2 from interfering with the peaceful possession of the petitioner.

4. Learned Senior Counsel further added that the petitioner has made two applications, viz. (i) regularisation of plot and (ii) regularisation of building with all necessary enclosures and fees. The main grievance of the petitioner is that if the above applications are considered in light of the impugned G.O., then the petitioner will be greatly prejudiced. It is his further contention that as per Regulation 35, the Planning Authorities may relax any of the parameters prescribed by these Regulations in specific cases, where a demonstrable hardship is caused. Therefore, the learned Senior Counsel prayed for setting aside the impugned G.O., thereby allowing the writ petition.

5. Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed before this Court.



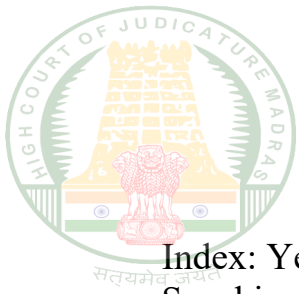
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6. Admittedly, the petitioner has filed an appeal before the Authorities and the same is pending consideration. Considering the submissions made by the learned Senior Counsel appearing for the petitioner, this Court is of the view that without interfering with the order impugned herein, this Court may permit the petitioner to pursue the appeal filed by the petitioner. With regard to the applications filed by the petitioner for regularisation, this Court may direct the Authorities concerned, to consider the regularisation petitions in terms of the Rules and Act thereunder.

7. In view of the above, without interfering with the impugned G.O.Ms.No.130 Housing & Urban Development, dated 09.06.2008 passed by the 1st respondent, this Court grants liberty to the petitioner to file an appropriate application, if not already filed, for regularisation of the flat and the plot and the same may be considered in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09-06-2026



Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Secretary,
Housing & Urban Development Dept.,
Fort St. George, Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai-600 008.



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M.DHANDAPANI J.

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Order made in
W.P.No.32125 of 2016

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