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W.P.(MD)NO.20205 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.20205 of 2015 AND

M.P.(MD)No.1 of 2015

Sastra University,
Rep. by its Registrar,
G.Bhalachandran,
Thanjavur – 613 401.

... Petitioner

Vs.

1. The Deputy Director(i/c.),
Town Planning,
Thanjavur Region,
33, 4th Street, Rajappa Nagar,
Medical College Road,
Thanjavur – 613 007.

2. Thirumalai Samudram Panchayat,
Rep. by its Executive Authority,
Thirumalai Samudram,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order bearing Na.Ka.No.869/2015 dated 07.08.2015 passed by the first respondent and quash the same.



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For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.A.Baskaran,
Additional Government Pleader for R-1.

Mr.K.P.Krishnadoss for R-2.

* * *

ORDER

Heard both sides.

2. The writ petitioner is a deemed University which had put up constructions from 1984 up to 2011. While so, vide communication dated 07.08.2015, the petitioner was informed that their constructions would be considered as unauthorised constructions. This was on the footing that the petitioner had obtained approval only from the local body and permission from the Joint Director of Town and Country Planning was not obtained.

3. This issue is no longer *res integra*. It has been held in many cases that the applicant cannot be blamed if the local body failed to obtain approval from the Joint Director of Town and Country



Planning. That apart, the question of applying Section 47A of the Tamil Nadu Town and Country Planning Act, 1971 in the case of the subject buildings would not arise. The Tamil Nadu Town and Country Planning Act came into force only on 01.01.2011. The constructions in question were put up by the petitioner before the said cut off date. It has already been held that 47A of the Act would operate only prospectively. Therefore, the petitioner was justified in getting planning approval from the local body alone.

4. In these circumstances, the question of applying Section 47A of the Tamil Nadu Town and Country Planning Act, 1971 in the case of the petitioner's building will not arise at all. Section 47A of the Act came into force with effect from 01.01.2011. Thus, during the relevant time, when the petition mentioned constructions were put up, there was no stipulation that approval must be obtained from the Director of Town and Country Planning. Since Section 47A of the Act was held to operate only prospectively, the petitioner was justified in obtaining planning approval from the local body alone. Of course, the executive officer of the local body could have granted approval only after consultation with the Joint Director of Town and Country



Planning. But this requirement of having prior consultation before issuing the planning approval was an interdepartmental affair. The petitioner cannot be put to prejudice, if the local body had issued permission without such prior consultation. G.O.Ms.No.53, Housing and Urban Development(UD4(3)) Department, dated 16.04.2018 would also operate only prospectively. This is clear from Clause 2(f) of the G.O.

5. In this view of the matter, the impugned order is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
12th January 2026

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

PMU



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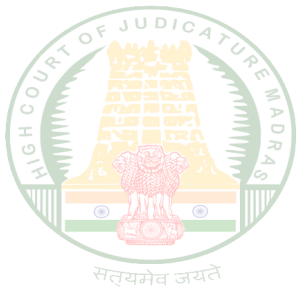


5

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WEB COPY



6

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