

In the High Court of Judicature at Madras

Dated: 10.03.2015

CORAM:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

Writ Petition No. 1688 of 2007

Ganapthy Vyaabaarigal Sangam
rep. by its President Thiru.S.S.Selvaraj
250, Sanganoor Main Road
J.A.S. Maligai Maadi, Opp. Roots, Ganapathy
Coimbatore - 6.

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Secretary
Municipal Administration & Water Supply
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu
rep. by the Secretary
Department of Housing and Urban Development
Fort St. George, Chennai 600 009.
3. The Joint Director
Local Planning Authority
Tatabad, Coimbatore - 641012.
4. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore - 641001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to implement the provisions of Section 113-B of the Tamil Nadu Town and Country Planning Act, 1971 and Section 283-A of the Coimbatore City Municipal Corporation Act, 1981 and the regularisation scheme framed thereunder.

For Petitioner : Ms. P.T. Asha
for M/s. Sarvabhauman Associates

For Respondents : Mr. S.T.S. Murthi
Govt. Pleader for R1 & R2
No Appearance for R3 & R4.

O R D E R

(Made by The Hon'ble The Chief Justice)

We are not inclined to entertain the public interest litigation on account of the fact that there is no law, which is shown to us, by which the unauthorised construction is required to be regularised. The petitioner cannot claim parity on this ground in Coimbatore City on account of the existence of provisions of Section 113-B of the Town and Country Planning Act, as the learned Government Pleader states that Section 113-A of the said Act has in fact been struck down as unconstitutional and as a sequitur thereto, Section 113-B has not been implemented.

2. We are of the view that if there are any individual affected parties and law permits to seek regularisation, they would be entitled to move the competent authority in accordance with law for the same.

3. The writ petition is dismissed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

ATR

WEB COPY

Copies to;

1. The Secretary
State of Tamil Nadu
Municipal Administration & Water Supply
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Secretary
Department of Housing and Urban Development
Fort St. George, Chennai 600 009.
3. The Joint Director
Local Planning Authority
Tatabad, Coimbatore - 641012.
4. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore - 641001.

+1cc to Mr.Sarvabhauman Associates, Advocate, S.R.No.13348
+1cc to the Government Pleader, S.R.No.13413

W.P. No. 1688 of 2007

GGK(CO)
CA(20/03/2015)



WEB COPY