



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.05.2018

WEB COPY

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE Mrs. JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11414 of 2018

and

W.M.P(MD)No.10409 of 2018

Kumbakonam Varthagarkal Nala Kootamaippu
Represented by its President
S.Balaji, S/o R.Sarangan,
No.4, Bhaktha Puri Street,
Kumbakonam - 612 001.

.. Petitioner

-Vs-

1. The Government of Tamil Nadu,
Represented by its Chief Secretary to Government,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
3. The Commissioner and Director of Town
& Country Planning, Anna Salai,
Chennai - 600 002.
4. The Deputy Director of Town & Country Planning,
Rajappa Nagar, M.C.Road, Thanjavur.
5. The Member-Secretary,
Local Planning Authority,
Kumbakonam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to consider the petitioner representation dated 20.04.2018 submitted to the respondents for extending the time to submit the applications u/s 113-C of the Town & Country Planning Act, 1956, granting exemption with regard to the constructions put up in deviation to the planning rules and also to reduce the rates



and charges for claiming regularization with regard to each category of deviation on the basis of cost of constructions prevailed at the time of completion of construction and also to remove the restrictions and guidelines with regard to the permissible limit insofar as FSI, set back requirements, parking requirements, road-width and usage, etc envisaged under G.O.Ms.No.110 & 111 (H&UD) dated 22.06.2017 and also to amend the development rules and regulations by granting more FSI and minimizing the set back requirements in far with the other metropolitan cities and districts in India.

For Petitioner : Mr.R.Mohan

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

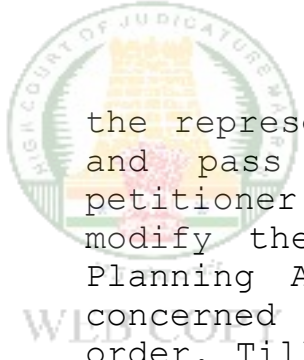
(Order of the Court was made by **M.V.MURALIDARAN,J.**)

The nature of relief claimed in this writ petition is for a limited scope and hence by consent the main writ petition is taken up for final disposal by consent of all the parties.

2.The petitioner submits that the members of the Association are carrying on trade and business activities in and around of Kumbakonam Town for several years. Most of the buildings owned by them are row type buildings and situated in a continuous area. Over the period of time for improving their business activities, they have raised additional floors and renovated their old buildings in violation to the planning rules.

3.In view of periodical enforcement action initiated by the local planning authorities against those construction they wanted to avoid the benefits under Section 113-C of the Tamil Nadu Town and Country Planning Act enacted recently. The rules and guidelines notified by the Government by various G.O.s to apply for regularization under Section 113-C of Town Planning Act is more difficult for them to apply and as well as the rates prescribed for categories of violations. Hence to relax the rules and guidelines notified under Section 113-C of the Tamil Nadu Town and Country Planning Act and to extend the time and for other relief, the petitioners have submitted representation to the Government, the respondents 1 and 2 herein by marking copies to other respondents dated 20.04.2018. The said representation was duly acknowledged by the respondents in person as well as by post. It is pending more than a month since the same is submitted by the petitioner on 20.04.2018. Hence, the present writ petition is filed seeking for consideration and approval of their representation submitted to the Government.

4.Without going into the merits of the issues involved in



the representation, we direct the respondents 1 and 2 to consider and pass orders and to take appropriate decision on the petitioner's representation dated 20.04.2018 to amend, relax and modify the rules and under Section 113-C of Town and Country Planning Act in accordance with law after hearing the parties concerned within three months from the date of receipt of this order. Till such time the decision is taken by the respondents and planning authorities in the State of Tamil Nadu, the respondents and other planning authorities to receive the application from the individual concerned under Section 113-C of Tamil Nadu Town and Country Planning Act manually and through online and not to initiate any coercive action against the petitioner.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary to Government,
The Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
3. The Commissioner and Director of Town
& Country Planning, Anna Salai,
Chennai - 600 002.
4. The Deputy Director of Town & Country Planning,
Rajappa Nagar, M.C.Road, Thanjavur.
5. The Member-Secretary,
Local Planning Authority, Kumbakonam.

+ 1 cc TO Mr.R.Mohan , Advocate in SR No. 66222

vsv/Myr/ta

AE/JC/SAR1/06.06.2018/3P/7C

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