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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :02.07.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.24301 of 2004
and
WPMP.No.29509 of 2004

T. Dhanalakshmi Ammal

..Petitioner

vs

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development (UD-VI) Department,
Fort St., George, Chennai -600 009.

2. The Member-Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorari or any other writ, order or direction in the nature of writ of certiorari calling for the records relating to all further proceedings pursuant to the order dated 12.07.2004 in G.O.(D) No.408 of the first respondent herein confirming the order dated 11.07.2002 in Lr.No.Reg.III/B6/49344/2000 of the second respondent herein and quash the same.

For Petitioner : Ms. AL. Ganthimathi
For Respondents : Mr. J. Ramesh, AGP for R1

O R D E R

Writ Petition filed to call for the records relating to all further proceedings pursuant to the order dated 12.07.2004 in G.O.(D) No.408 of the first respondent herein confirming the order dated 11.07.2002 in Lr.No.Reg.III/B6/49344/2000 of the second respondent herein.

2. The learned counsel for the petitioner would submit that the petitioner has filed an application for regularization of the construction and after perusing the regularization application, the second respondent had



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passed an order directing to pay a sum of Rs.5,03,589/-. Against the said order, the petitioner preferred an appeal before the first respondent and the first respondent has also confirmed the order passed by the second respondent, against which the present Writ Petition is filed.

3. The learned counsel for the petitioner would submit that without following the due procedure, the second respondent, the original authority has demanded exorbitant amount which is unsustainable.

4. In the present case, admittedly the petitioner had made unauthorized construction and deviations in the construction which was revealed after inspection. Thereafter, the petitioner made an application dated 30.10.2000. The second respondent, after considering the said application, issued a revised demand notice, demanding regularization fee and other charges.

5. On a perusal of the impugned order, it is seen that the order had elaborately dealt with on each and every head, namely, land use, FSI, setback area, parking, etc. The learned counsel for the petitioner did not submit as to on which specific head the impugned order was wrong. Therefore, in the absence of specific allegation and further it is not proved that the impugned orders are passed mechanically without following the due procedure, this Court is not inclined to interfere with the order of the original authority as well as appellate authority.

6. Once the petitioner constructed an unauthorized building, if he wants regularization of the same, it is necessary that charges as enumerated in the relevant provisions have to be paid and this Court do not find any infirmity in the impugned order demanding regularization fee and other charges. I do not find any error in the order passed by the authority and accordingly the Writ Petition is dismissed. The petitioner is directed to pay the regularization fee within a period of six (6) weeks from the date of receipt of a copy of this order, failing which the authority may take appropriate action as per law for collecting the regularization fee and other charges. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



mrn

To,

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development (UD-VI) Department,
Fort St., George, Chennai -600 009.

2. The Member-Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Ms. AL. Ganthimathi , Advocate SR.No. 55219

W.P.No.24301 of 2004
and

WPMP.No.29509 of 2004

gp (CO)
A.SK(19/08/2019)