

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 23.05.2019

Pronounced on : 28.05.2019

CORAM:

THE HONOURABLE MR. JUSTICE RMT. TEEKA RAMAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 14650 of 2019
and
W.M.P. No. 14644 of 2019

M/s. Billroth Hospitals Pvt. Ltd.,
Represented by its Managing Director,
Dr. Rajesh Jeganathan,
Door Nos. 38 - 43, Lakshmi Talkies Road,
Shenoy Nagar,
Chennai - 600 030. Petitioner

-vs-

1. The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. Chennai Metropolitan Development Authority,
Represented by its Principal Secretary,
Thalamuthu Natarajan Maaligai,
No. 1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
3. Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Building,
Chennai - 600 003.
4. Fire and Rescue Services Department,
Government of Tamil Nadu,
Represented by its Director,
No. 17, Rukmani Lakshmipathy Road,
Egmore,
Chennai - 600 008.

5. Government of Tamil Nadu Electrical Inspectorate,
Represented by the Chief Electrical Inspector,
Thiru Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

6. Inspector of Lifts/Electrical Inspector,
Chennai South Division,
Government of Tamil Nadu Electrical Inspectorate,
Thiru Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to process the regularization application in receipt number CMDA/REG-1113C/1037/2019, dated 18.02.2019 with respect to the hospital building at Survey No. T.S. No. 30/182, 31, 32/2, 35, 37/1 and 39/2, Block No. 20, Aminjikarai, Shenoy Nagar, Chennai - 600 030, under Section 113(C) of the Tamil Nadu Town and Country Planning Act, 1971, as amended upto date in accordance with the direction in W.P. No. 23889 of 20177 within a time bound period.

For Petitioner : Mr. C. Aryama Sundaram,
Senior Counsel and
Mr. AR. L. Sundaresan,
Senior Counsel for
Mr. K.V. Sajeew Kumar

For Respondent : Mr. S.R. Rajagopal,
Additional Advocate General
assisted by
Mr. V. Jeyaprakash Narayanan,
Special Government Pleader
(for R1, R4 to R6)

Mr. P.S. Ganesh (for R2)

Mr. V.C. Selvasekaran (for R3)

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O R D E R

(Order of the Court was made by P.D. AUDIKESAVALU, J.)

The Petitioner filed this Writ Petition to direct the Second Respondent to process the regularization application in receipt No. CMDA/REG-1113C/1037/2019 dated 18.02.2019 with respect to the Hospital building at survey No. T.S. No. 30/182,

31, 32/5, 35, 37/1 and 39/2, Block No. 20, Aminjikarai, Shenoy Nagar, Chennai - 600 030, under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971, as amended upto date in accordance with the direction in W.P. No. 23889 of 2017 dated 11.09.2017 within a time bound.

2. We have heard Mr. C. Aryama Sundaram and Mr. AR. L. Sundaresan, Learned Senior Counsel appearing for the Petitioner, Mr. S.R. Rajagopal, Learned Additional Advocate General appearing on behalf of the First, Fourth, Fifth and Sixth Respondents, Mr. P.S. Ganesh, Learned Counsel for the Second Respondent and Mr. V.C. Selvasekaran, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. It is the admitted case of the parties that the validity of G.O. (Ms).Nos. 110 and 111, Housing and Urban Development [UD(4)3] Department dated 22.06.2017 passed by the Secretary to Government of Tamil Nadu, Housing and Urban Development Department, has been challenged in W.P. No. 23889 of 2017 in this Court in which the First Bench of this Court by order dated 11.09.2017 held as follows:-

"Applications for regularization may be entertained and processed, but no final decision thereon shall be taken without leave of the Court."

In view of the same, the Learned Additional Advocate General appearing on behalf of the Respondents, on instructions, submits that the application in receipt No. CMDA/REG-1113C/1037/2019, dated 18.02.2019 made by the Petitioner is under process by the Second Respondent and that no final decision shall be taken without leave of the Court. Recording the said submission, we are of the view that no further orders are required in the matter. We hasten to clarify that merely because the Petitioner has submitted the application for regularization, it would not preclude the concerned authority to take appropriate action against the Petitioner for violation of the building construction regulations, in the manner recognized by law.

4. Accordingly, the Writ Petition is disposed of with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No. 1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
4. The Diector,
Fire and Rescue Services Department,
Government of Tamil Nadu,
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Thiru Vi. Ka. Industrial Estate,
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6. Inspector of Lifts/Electrical Inspector,
Chennai South Division,
Government of Tamil Nadu Electrical Inspectorate,
Thiru Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

+1 cc to Mr.Vijay Anand, Advocate, S.R.No.44341

+1 cc to Mr.P.S.Ganesh, Advocate, S.R.No.44351

W.P. No. 14650 of 2019

GJ-II(CO)
SSM(28/05/2019)
SSM(29/05/2019)