

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28729 of 2019

S.Loganathan

.. Petitioner

/versus/

- 1.The Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
- 2.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Chennai-600 008.
- 4.The Deputy Planner (Regularisation Division),
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Chennai-600 008.
- 5.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Poonamallee High Road,
Chennai.
- 6.The Zonal Officer,
Zone-8, Corporation of Chennai,
Shenoy Nagar,
Chennai-600030.

7.D.Karunakaran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of

Mandamus, forbearing the 3rd respondent from granting permission or approving the regularisation application submitted by the 7th respondent dated 25.09.2019.

For Petitioner : Mr.L.Ramu

For Respondents : Mr.K.Ravikumar, AGP for R1 & R2
Mr.S.Thiruvengadam St.c for R3 & R4

O R D E R

At the time of admission, the learned Standing counsel for the CMDA submits that for regularization under Section 113-C of the Tamil Nadu Town and Country Planing Act, 1971, application must be given by all the owners of the building. In this case only one of the flat owner in the apartment has made a representation. Hence, the application cannot be considered and further the virus of Section 113-C of the Town and Country Planning Act, itself is under challenge in the subject matter of writ petition pending disposal of this Court.

2. In this regard, unless and until the writ petition is disposed of, no order on representation for regularisation under Section 113-C of the Act can be considered. The petitioner herein if intend to make any objection upon the request of the 7th respondent, the same may be forwarded to the CMDA and in the light of the pending batch of writ petitions and the rules, the same will be considered.

3. In the result, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Secretary,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.

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2.The Additional Secretary (Technical),
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Secretariat,
Chennai-600 009.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
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Gandhi Irwin Road,
Chennai-600 008.

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Chennai-600 008.

5.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Poonamallee High Road,
Chennai.

6.The Zonal Officer,
Zone-8, Corporation of Chennai,
Shenoy Nagar,
Chennai-600030.

+1cc to Mr.L.Ramu, Advocate, S.R.No. 83552
+1cc to Mr.S.Thiruvengadam, Advocate, S.R.No. 83763
+1cc to the Government Pleader, S.R.No. 84508

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