



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.2121 of 2022

and

W.M.P. No.2287 of 2022

C.Kiran

...Petitioner

vs

1. The Government of Tamil Nadu,
represented by the Principal Secretary,
Housing and Urban Development,
Fort St. George, Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.
4. M.Lalith Kumar

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent herein to dispose of the Regularisation Application No.28663 dated 29.06.2002 within a time frame fixed by this Court.

For Petitioner : Mr.V.P.Mohammed Moin for
M/s.Aiyar and Dolia

For Respondents: Mrs.V.Yamunadevi,
Special Government Pleader for R1

Mr.K.Raja Shrinivas,
Standing Counsel for
Corporation of Chennai for R3

Mrs.C.Sumathy,
Standing Counsel for CMDA for R2



ORDER

[Order of this Court was delivered by T.RAJA, J.]

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 2nd respondent herein to dispose of the Regularization Application No.28663 dated 29.06.2002 within a time frame fixed by this Court.

2.Heard Mr.V.P.Mohammed Moin representing for M/s.Aiyar and Dolia, learned counsel for the petitioner, Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the first respondent, Mrs.C.Sumathy, learned Standing Counsel for CMDA/R2 and Mr.K.Raja Shrinivas, learned Standing Counsel for Corporation of Chennai/R3.

3.The claim of the petitioner is that he and his wife namely, Pushpa were purchased the land 55/4018th undivided share out of Item No.1 from Owner No.1 vide Sale Deed dated 18.06.1990 registered as Document No.1630 of 1990, Book-I in the office of the Sub Registrar, Purasawalkam. The allegation of the petitioner shows that one Mr.Navartan Lunawath, the 4th respondent in W.P. No.18388 of 2021, who is the Power Agent and no more now, constructed 138 flats in two blocks instead of 126 flats and as such, 12 more flats were constructed unauthorizedly. Without knowing the said fact, the petitioner, being a bonafide purchaser purchased the same in the year 1991. Thereafter, a Regularisation Application dated 29.06.2002 was also filed seeking regularisation of his flat constructed by the Power Agent in the year 2002. But till date, the same is pending consideration. Hence, the present Writ Petition.

4.The justification made before this Court by the petitioner would show that he is a bonafide innocent purchaser who purchased the flat from the above Power Agent. Since several flats were constructed by the Power Agent, thinking that the Completion Certificate was obtained by the 4th respondent, the petitioner has also purchased the flat in the year 1991. Thereafter, he has moved the Regularization Application dated 29.06.2002 before the 2nd respondent, namely, the Member Secretary, Chennai Metropolitan Development Authority, Thalamuthu Natarajan Building, Gandhi Irwin Road, Egmore, Chennai-8. Since the said application is pending consideration, the petitioner has filed this Writ Petition seeking to dispose of his Regularization Application dated 29.06.2002 within a time stipulated by this Court.

5.Considering the facts and circumstances of the matter, we hereby direct the 2nd respondent to consider and dispose of the Regularization Application No.28663 dated 29.06.2002, on merits and in accordance with law, within a period of twelve weeks from



the date of receipt of a copy of this Court.

6. At this stage, it is pertinent to mention that during the pendency of the Regularisation Application filed under Section 113-A of the Tamil Nadu Town and Country Planning Act, after a lapse of 2 decades, based on the order passed in W.P.No.18338/2021, the respondents have issued a Lock and Seal and Demolition Notice against which the petitioner has obtained interim stay by order dated 10.02.2022 in this Writ Petition. Therefore, it is needless to mention here that till the disposal of the Regularization Application filed by the petitioner herein, the respondents shall maintain status quo as on today.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P. No.2287 of 2022 stands closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George, Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.

+1cc to M/s.K.Rajasrinivas, Advocate, S.R.No.13917

+1cc to M/s.Aiyar Dolia, Advocate, S.R.No.13878

W.P.No.2121 of 2022
and W.M.P. No.2287 of 2022

VSN-II(CO)
RGA(18/03/2022)