



WP.No.22996/2004

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.22996/2004 & WMP.Nos.27819 & 27820/2004

S.Manickam

.. Petitioner

Vs.

1.The Government of Tamil Nadu
rep.by the Secretary
Municipal Administration and
Water Supply Department,
Secretariat, Fort St George
Chennai.

2.The Commissioner
Coimbatore Corporation
Coimbatore.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to G.O.[P] No.389 Municipal Administration and Water Supply Department dated 26.07.2004 from the file of the 1st respondent and quash the same.



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For Petitioner : Mr.S.Kasirajan
For R1 : Mr. M.Shahjagan, AGP
For R2 : Mr.K.Magesh

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) The writ petition is filed for issuance of a writ of certiorari to quash the impugned order passed by the 1st respondent vide G.O.[D] No.389 dated 26.07.2004 by which the petition filed by the writ petitioner for granting exemption for the building put up by the petitioner in relation to the violations found in the construction put up by the petitioner, was rejected.
- (2) The petitioner has put up a multi storeyed building in violation of some of the provisions of the Tamil Nadu Multi Storeyed and Public Buildings Rules, 1973 [in short 'the Rules']. Though it is the case of the petitioner that the Government has subsequently relaxed the Rules by amending the Rules, by the impugned order, the petition filed by the petitioner for exemption was rejected. Learned counsel now submits that in view of the recent amendment to the Rules, the



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petitioner may be entitled to seek regularisation as well as the approval in accordance with the present Rules where substantial provisions relating to building Rules have been amended and the building put up by the petitioner has to be considered in the light of amended Rules.

- (3) Learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the 1st respondent and the learned Standing counsel appearing for the 2nd respondent submit that the writ petition may be dismissed with the liberty to the petitioner to file a fresh application seeking regularisation or relaxation in accordance with the amended Rules and with a direction the respondents to consider such application without prejudice to the rights of the petitioner as well as the power of the authorities to decide the application under the new Rules.
- (4) Accordingly, the writ petition stands **dismissed**. However, liberty is given to the petitioner to file a fresh application within a period of four weeks from the date of receipt of a copy of this order, for regularisation or relaxation and approval for the construction which



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will be considered in terms of the Rules that are now in force. When such application is submitted by the petitioner, the Local Planning Authority, Coimbatore, shall consider the said application in the light of the present Rules and dispose of the same in accordance with law within a period of twelve weeks from the date of receipt of such application from the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

[SSSRJ] [AANJ]

13.12.2022

AP

Internet : Yes

To

1.The Secretary

Government of Tamil Nadu
Municipal Administration and
Water Supply Department,
Secretariat, Fort St George
Chennai.

2.The Commissioner

Coimbatore Corporation
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