



W.P.No.21918 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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Madras Society for the Protection and Care of Animals
(Formerly known as Society for the Prevention of
Cruelty to Animals Madras)
Rep. by its Honorary Secretary
And his Power of Attorney C.P.Achuthan
No.67/34, Vepery High Road,
Chennai – 600 007.
...Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai – 600 008.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 1st respondent to



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dispose the regularization application submitted by the petitioner for the building situated Door No./Plot No.69/1, Old No.35, in S.No.691, under Sec.113(c) of Town and Country Planning Act 1971 in Ref.No.CMDA/Reg-113-C/611/2018 dated 10.12.2018 within a time frame fixed by this Court.

For Petitioner : Mr.N.Sampath
For Respondents : Mr.C.N.Vinobha for R1

Mr.G.T.Subramanian for R2

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the 1st respondent to dispose the regularization application submitted by the petitioner for the building situated Door No./Plot No.69/1, Old No.35, in S.No.691, under Sec.113(c) of Town and Country Planning Act 1971 in Ref.No.CMDA/Reg-113-C/611/2018 dated 10.12.2018 within a time frame fixed by this Court.

2. Heard the learned Counsel on either side.

3. At the outset, it may be mentioned that the prayer made by the petitioner to dispose of the regularization application in respect of the



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building-in-question filed under Section 113-C of the Tamil Nadu Town and Country Planning Act is not maintainable for the reason that on challenge, the validity of the Section 113(c) was upheld by the First Bench of this Court and based on the same, the Government also has issued two Government Orders in G.O.(Ms) No.110, Housing and Urban Development [UD4(3)] Department dated 22.06.2017 and G.O.(Ms) No.111, Housing and Urban Development [UD4(3)] Department dated 22.06.2017 and they have also become the subject matter in W.P.No.23889/2017 filed before the First Bench of this Court. Pursuant to the same, this Court by an order dated 11.09.2017 has also directed the respondent officials to only receive the application filed under Section 113(c) of the Act, but not to pass any final orders till the disposal of the writ petition pending before the Hon'ble First Bench. Therefore, since the petitioner has filed an application seeking regularization of the deviations made in its building-in-question before the 1st respondent, the 1st respondent will consider the case of the petitioner after the disposal of the pending W.P.No.23889/2017 by this Court.



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4. With the above observations, the Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is also closed.

(R.S.M.,J.) (K.B.,J.)
30.09.2022

dsa

Index :No
Internet :Yes
Speaking order

To:-

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai – 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.



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