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W.P.No.33925 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.33925 of 2022
and W.M.P.No.33421 of 2022

M/s.Prashanth Fertility Research Centre Pvt. Ltd.
Represented by its Director Dr.Geetha Haripriya
No.76 and 77, Harrington Road
Chetpet, Chennai-600 031.

.. Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Housing and Urban Development (H&UD) Department
Secretariat, Chennai-600 009.

2.The Chennai Metropolitan Development Authority
Represented by its Member Secretary
Thalamuthu Natarasan Building
Egmore, Chennai-600 008.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the 2nd respondent from in any way disturbing the functioning of the hospital in R.S.No.357/2 and 5, Block No.21 Egmore Village at Door No.77,



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Harrington Road, Chetpet, Chennai-600 031 till the disposal of

W.P.No.23889 of 2017 on the file of this Court.

For Petitioner : Mr.A.R.Ramanathan
for Ms.Reshmi Christy
For R1 : Mr.R.Vigneshwaran
Government Advocate
For R2 : Mr.C.N.Vinobha
Standing Counsel (CMDA)

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed forbearing the 2nd respondent from in any way disturbing the functioning of the hospital in R.S.No.357/2 and 5, Block No.21, Egmore Village at Door No.77, Harrington Road, Chetpet, Chennai-600 031 till the disposal of W.P.No.23889 of 2017 on the file of this Court.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent and perused the entire materials on record.



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3. According to the petitioner, they have constructed the hospital premises consisting basement, ground and three floors at R.S.No.357/2 and 5, Block No.21, Egmore Village at Door No.77, Harrington Road, Chetpet, Chennai-600 031 after obtaining planning permission and the hospital was functioning from the year 2006 onwards. Admittedly, the petitioner had put up additional fourth floor without obtaining permission. The 2nd respondent issued lock and seal notice and took steps for demolishing the unauthorized construction. The petitioner filed an appeal before the 1st respondent and the 1st respondent granted time for demolishing the deviated portion. In the meanwhile, the Government of Tamil Nadu introduced Section 113C as an amendment to the Town and Country Planning Act to regularise the unauthorized/deviated constructions. Therefore, the petitioner filed an application under Section 113C of Town and Country Planning Act seeking regularisation of the fourth floor and also paid the regularisation charges. The 2nd respondent sealed the fourth floor completely pending application. The 1st respondent has accepted the petitioner's application and by order dated 24.01.2018 directed the 2nd respondent to de-seal the fourth floor and not to pass any orders on the application for regularisation in view of the interim order passed by this Court in W.P.Nos.23889 of 2017 batch. However, the



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Officials of the 2nd respondent are disturbing the day-to-day functioning of the hospital and hence, the petitioner has come out with the present writ petition for the above stated relief.

4.Considering the above submissions of the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent and the nature of relief sought for in the present writ petition, the respondents are restrained from taking any coercive steps against the petitioner till the disposal of the application filed by him under Section 113C of Town and Country Planning Act.

5.With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
23.12.2022

Index : Yes / No
Internet : Yes / No
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To

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Housing and Urban Development (H&UD) Department
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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

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