



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7436 of 2022

WEB COPY

Pothiraj

... Petitioner

Vs.

The Director,
Directorate of Town and Country Planning,
Opposite to LIC,
4th Floor, Sengalvarayan Building,
No.807, Anna Salai,
Chennai-600 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 24.02.2022 to return the petitioner's regularization fees deposited a sum of Rs.7,07,527.33/- within a stipulated period fixed by this Court.

For Petitioner

: Mr.R.V.Rajkumar

For Respondent

: Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's representation seeking for refund of a sum of Rs.7,07,527.33/- which he had paid for obtaining regularization of his building.

2.According to the petitioner, since the application for regularization of his building is kept pending for a long period of time, he is not seeking for regularization and therefore, seeking for refund of the said sum. It is also contended that the petitioner is suffering from serious medical ailments and therefore, he requires the said money. The petitioner has given a representation on 24.02.2022 for the said purpose to the respondent. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.The petitioner has filed a copy of the application submitted by him to the respondent seeking for regularization of his building on 19.08.2017. He has also enclosed a copy of the online receipt to show that he has paid a sum of Rs.7,07,527.33/- to the respondent as regularization charges. Now, the petitioner seeks for refund of the



same on the ground that he is no longer interested in getting regularization due to long pendency of his representation. The petitioner also claims that he is badly in need of money.

4.No prejudice would be caused to the respondents if the petitioner's representation seeking for refund of a sum of Rs.7,07,527.33/- is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

5.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation dated 24.02.2022, seeking refund of a sum of Rs.7,07,527.33/- which he claims to have been paid at the time of submitting his application for regularization of his building on 19.08.2017 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of six [6] months from the date of receipt of a copy of this order.

6.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

The Director,
Directorate of Town and Country Planning,
Opposite to LIC,
4th Floor, Sengalvarayan Building,
No.807, Anna Salai,
Chennai-600 002.

+1 CC to M/s.R.V. RAJKUMAR, Advocate (SR-19974[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP (SR-20145[F] dated 21/04/2022)

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MGJ(05.05.2022) 2P 4C