



W.P.No.1544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.1544 of 2023

AND

W.M.P.No.1634 of 2023

S.Mahendra Kumar

.. Petitioner

Vs.

1.The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
Thazhamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

3.The Commissioner
Greater Chennai Corporation
Chennai 600 003



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4.The Executive Engineer
Zone-10, Greater Chennai Corporation
No.117, N.S.K. Salai
Kodambakkam, Chennai 600 024

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 3 and 4, their men, agents, servants or anyone acting under them not to proceed in any manner or take any coercive steps in pursuance of the de-occupation notice dated 24.09.2020 in letter No.10/00013/2020 under Section 56(2-A) and 57 read with Section 85 of the Town and Country Planning Act, 1971, relating to premises situate at Chennai District, Greater Chennai Corporation, Mambalam Village, No.29/18, Vandikaran Street (Reddykuppam Road), Panneerselvam Nagar, West Mambalam, Chennai 600 033, pending determination of the application filed by the writ petitioner under Section 113-C of the Tamil Nadu Town and Country Planning Act of 1971 (under building regularisation scheme-2017) before the 2nd respondent *vide* receipt No.CMDA/Reg-113C/2165/2021 dated 09.02.2021.

For Petitioner	: Mr.K.Raja Srinivas for Mr.N.Ganesh
For R1	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.C.N.Vinobha Standing Counsel
For R3 and R4	: Mr.D.B.R.Prabhu Standing Counsel

ORDER



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(Order of the Court was made by V.LAKSHMINARAYANAN, J.)

The prayer in the writ petition is as follows :

“To issue a writ of mandamus forbearing the respondents 3 and 4, their men, agents, servants or anyone acting under them not to proceed in any manner or take any coercive steps in pursuance of the de-occupation notice dated 24.09.2020 in letter No.10/00013/2020 under Section 56(2-A) and 57 read with Section 85 of the Town and Country Planning Act, 1971, relating to premises situate at Chennai District, Greater Chennai Corporation, Mambalam Village, No.29/18, Vandikaran Street (Reddykuppam Road), Panneerselvam Nagar, West Mambalam, Chennai 600 033, pending determination of the application filed by the writ petitioner under Section 113-C of the Tamil Nadu Town and Country Planning Act of 1971 (under building regularisation scheme-2017) before the 2nd respondent *vide* receipt No.CMDA/Reg-113C/2165/2021 dated 09.02.2021.”

2. By consent of both the learned counsel appearing for the petitioner



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as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the 1st respondent, Mr.C.N.Vinobha, learned Standing Counsel, who takes notice for the 2nd respondent and Mr.D.B.R.Prabhu, learned Standing Counsel who takes notice for the 3rd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. We heard the learned counsel appearing for the petitioner, the learned Special Government Pleader and the learned Standing Counsels appearing for the respondents and carefully perused the material records.

4. The writ petitioner does not challenge the constitutional validity of the G.O.(Ms) No.110, Housing and Urban Development [UD4(3)] Department, dated 22.06.2017. However, the papers produced before this Court shows that an application for regularisation was filed by the writ petitioner on 25.09.2020 and he had paid the processing charges. The Hon'ble First Bench of this Court has directed the planning authorities to receive the applications filed under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971, process it, but not pass final orders,



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pending disposal of the constitutional validity.

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5. The writ petitioner, having filed an application for regularisation, the 2nd respondent is directed to process the same, but not to pass final orders, pending disposal of the writ petition challenging the constitutional validity. Till the time the decision is rendered by this Court in the writ petition challenging the constitutional validity, no coercive steps shall be taken by the respondents against the petitioner's building situated at No.29/18, Vandikaran Street (Reddykuppam Road), Panneerselvam Nagar, West Mambalam, Chennai 600 033.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(V.M.V.,J.) (V.L.N.,J.)
03.03.2023

Index : Yes/No
Neutral citation : Yes/No
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To

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