



W.P.No.5589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.5589 of 2023
and
W.M.P.No.5609 of 2023

G.Raju

..Petitioner

Vs

- 1.The Secretary to the Government,
Housing and Urban Development,
Fort St.George,
Chennai - 600 009.
2. The Municipal Commissioner,
Avadi City Municipal Corporation,
N.M.Road, Avadi,
Chennai - 600 008.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
Avadi,
Chennai - 600 054.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorrified Mandamus to call for the records relating to the



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impugned proceedings letter No.4041713/UD-VI(2)/2023 dated 03.02.2023 issued by the 1st respondent to the petitioner and quash the same and further direct the 2nd respondent maintaining the de-seal status of the subject building and 3rd respondent may be provided electricity connection to the petitioner.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader for r1
Mr.R.Gopinath for R2
Mr.Jaivenkatesh for R3

ORDER

(The order of the Court was made by V.LAKSHMINARAYANAN,J

The prayer sought for in the writ petition is to quash the proceedings of the Government whereby the petitioner had been granted ten days time to remove his livelihood articles and a further direction that once the period of ten days time expires, the Avadi Corporation should re-seal the premises.

2. Learned counsel for the Avadi City Municipal Corporation submitted that ten days time had been granted and the materials had been removed and the premises has been resealed. At this stage, the learned



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counsel for the petitioner submits that he wants to file an application to regularise the construction made on the second and third floors. Section 113-C applies only in case where the construction has been made before the cut off date and not for recent constructions. Therefore, this prayer sought for, is rejected. Section 49 of the Tamilnadu Town and Country Planning Act contemplates prior application for the purpose of development and not an application for ratification of any unauthorised construction already made. Therefore, we unable to accede the prayer made by the learned counsel for the petitioner. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (V.L.N,J.)
05.09.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

1. The Secretary to the Government,
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Fort St. George, Chennai - 600 009.
2. The Municipal Commissioner,
Avadi City Municipal Corporation,
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J.NISHA BANU,J.
and
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vsi

3. The Executive Engineer,
Tamil Nadu Electricity Board,
Avadi, Chennai - 600 054.

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