



W.P.No.7766 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEAVALU

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1. S.Sujatha
2. N.Sathish Kumar
3. B.Vidiyanadhan
4. I.C.Alice Prema
5. George Thomas
6. Raju Thomas
7. Khurrrma Rabbani Samdami
8. T.P.Jayanthi
9. V.Vasu
10. Sr.Raju
11. Pradeep T.N.
12. S.Mary
13. R.Lalitha
14. Maran
15. J.Vijayalakshmi
16. S.Sivarama Krishnan
17. R.Soundarajan
18. Dominic Ravikumar
19. T.Vanadhi Devi
20. G.Sridharan Murali
21. S.Suresh/Chitra Suresh
22. V.Saikala
23. S.Chandraika
24. R.Venkatraman



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25. V.Sathish
26. Lame George
27. Prejit.P
28. Jackson Prithiviraj
29. Krishna Kumar Vadivelu
30. S.Sampath Kumar
31. V.S.Dinesha
32. P.L. Amalarinva Mary
33. C. Priyadarsini
34. K. Sriram
35. U. Anuradha
36. Balaji
37. Elango Dorairaj
38. K. Arun
39. Antony Expedit
40. Premavathy Farnando
41. J. Saroja
42. A.T. Vasudevan
43. Hema Vasudevan
44. V. Ponnudurai Franklin
45. M.J. Tarun
46. S. Ranganatha Rao
47. G. Bhanumathy
48. T.S. RamaMurthi
49. V.R. Kasthuri bai
50. P. Dinesh Kumar
51. A.N. Balaji
52. M. Yokaysh
53. S. Shankar
54. T.N. Ragavendra Rao
55. K.G. Parthasarathy
56. K. Abishek
57. Y.R. Bhaskar
58. Sreenivasn
59. Joanna
60. Suresh Babu
61. Md. Farhathullah



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62. T. Radhakrishnan
63. Mathuram Krishnan
64. C. C. Johnny
65. Chitramohan
66. K. Balasubramanian
67. P.V. Vasudevan
68. D. Emberumannar
69. V. Gayathri
70. T.S. Hema
71. S. Vijayan
72. Rajalakshmi
73. Lalitha RamaKrishnan
74. B. Chitra Balasubramanian
75. R. Savithri
76. Alex P.Varghese
77. K. Sridhar
78. K. Nagarajan
79. J. Pricilla Pandian
80. B. John Pandian
81. T.R. Srinivas
82. N. Muthuraman
83. R. Sivaramakrishnan
84. J. Prathiban
85. Mudavakkat Anadan
86. B. Ramamurthy
87. M.R. Ramaswamy
88. J. Sathya Moorthy
89. M.Sumathi
90. M.Sumathi
91. Selva kumar
92. Jaya Chitra
93. SriKrishna
94. G. Kamachi
95. M.S. Moorthy
96. P.C. Ramanujam
97. V. Manjula
98. M. Muthulakshmi



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99. Gopinath Goswami
100. V. KothandaRamaswamy
101. Subramanian
102. P.S. Venu
103. K. Venkatesh
104. B. Sakthivel
105. S. Ramachandran
106. Jaya Sathiya
107. K. Rathina Sabapathy
108. E. Subashchandar
109. Paul FredricRoopesh
110. N. Viswanathan
111. Kothai
112. R Clement Paul Elango

.. Petitioners

Vs.

1. The State of Tamil Nadu
Rep. by Principal Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai, Tamil Nadu 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
3. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of declaration, declaring the "Tamil Nadu Assessment and Collection of Amount for Exemption of Buildings Rules, 2017"



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issued vide G.O.(Ms) 110 (Housing and Urban Development [UD4(3)] Department dated 22.06.2017 as unconstitutional for being arbitrary, unreasonable, unfair and ultra-vires Articles 14 and 21 of the Constitution of India, insofar as it seeks to impose arbitrary, unfair and illegal pre-conditions for regularization.

For the Petitioners : Mr.Adithya Reddy

For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for R1

Mr.S.Thiruvengadam
for R2

Mr.A.Nagarajan
for R3

ORDER

(Made by the Hon'ble Chief Justice)

Both side learned counsel are *ad idem* that the petitioners herein are similarly situated to that of the petitioners of W.P.Nos.23889 of 2017 and 23119 of 2018, which are disposed of under a common order dated 03.07.2023. The order in W.P.Nos.23889 of 2017 and 23119 of 2018 reads thus:



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"We have heard Mr.V.B.R.Menon, the petitioner appearing in person in W.P.No.23889 of 2017; Mr.Suhrit Parthasarathy, learned counsel for the petitioner in W.P.No.23119 of 2018; Mr.R.Shunmugasundaram, learned Advocate-General, assisted by Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 3 and 5 in W.P.No.23889 of 2017 and the second respondent in W.P.No.23119 of 2018 and, Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mrs.P.Veena Suresh, learned counsel for respondent No.4 in W.P.No.23889 of 2017 and the first respondent in W.P.No.23119 of 2018.

2. Mr.V.B.R.Menon, the petitioner appearing in person in W.P.No.23889 of 2017 and Mr.Suhrit Parthasarathy, learned counsel for the petitioner in W.P.No.23119 of 2018, are ad idem that the Government Orders assailed in the present writ petitions have already been set aside by this Court in Contempt Petition No.1087 of 2017 (C.Prabhakaran v. Dhamendra Pratap Yadav, IAS, Secretary, Housing and Urban Development



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Department, Fort St. George, Chennai-9 and others) and W.P.No.24705 of 2017 and Sub Application No.210 of 2017 under the order dated 06.02.2019.

3. It is submitted by Mr.V.B.R.Menon and learned counsel for the petitioner in W.P.No.23119 of 2018 that they are challenging the same Government Orders in the present writ petitions. The present writ petitions are seeking directions not to regularize the unauthorised constructions in view of the said Government Orders.

4. If, according to the petitioners, the Government Orders are already set aside in one matter, the same would stand good unless the judgment of this Court is set aside by the Apex Court.

5. It is submitted that some of the parties have moved the Apex Court and the Apex Court is seized of the matter. Naturally, the parties would be bound by the orders that would be passed by the Apex Court.



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6. *In the light of the above, there is no propriety in keeping these matters pending.*

7. *We, accordingly, dispose of the writ petitions with an observation that if subsequently after the orders are passed by the Apex Court the petitioners have any remedy open, they are entitled to agitate the same afresh. In that event, all contentions are kept open. There will be no order as to costs. Consequently, W.M.P.Nos.25140, 25141 of 2017, 27002 and 27003 of 2018 are closed.*

W.M.P.No.19536 of 2020 filed by the applicant to implead himself as one of the respondent in W.P.No.23889 of 2017 is closed in the light of the order passed hereinabove."

2. In the light of that, we follow the same course and pass the same order.



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3. The writ petition, as such, is disposed of with an observation that if subsequent to the orders to be passed by the Apex Court the petitioners have any remedy open, they are entitled to agitate the same afresh. In that event, all contentions of the parties are kept open. There will be no order as to costs. Consequently, W.M.P.No.9665 of 2018 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The Principal Secretary to Government
The State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai, Tamil Nadu 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
3. The Commissioner
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Ripon Building, Chennai 600 003.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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