



Writ Petition No.17858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17858 of 2023

and

W.M.P.No.16978 of 2023

1.Jayanthilal Surana

2.Vijay Surana

...Petitioners

Vs

1.The Secretary to Government,
Legislation, Law Department,
Fort St.George, Chennai - 600 009.

2.The Secretary to Government,
Housing & Urban Development Ministry,
Fort St.George,
Chennai - 600 009.

3.The Commissioner,
Kancheepuram City Municipal Corporation,
Annai Indira Gandhi Salai,
Kancheepuram - 631 502.

4.The Member Secretary,
Kancheepuram Local Planning Authority,
Kancheepuram.
Now merged with Kancheepuram City
Municipal Corporation,
33A, Kotrampalayan Street,



Writ Petition No.17858 of 2023

Opp to Labour Court,
Chinna Kancheepuram,
Ennaikaran, Kancheepuram,
Tamil Nadu - 631 501.

5.The Commissioner,
Kancheepuram Municipality,
Annai Indira Gandhi Salai,
Kancheepuram - 631 502.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Corporation, namely, the third respondent herein to accept the regularization fees as demanded by the fourth respondent by their letter dated 06.12.2019 and 09.01.2020.

For Petitioner : Mr.S.Sundaresan

For Respondents : Mr.C.Selvaraj
Additional Government Pleader [R1 & R2]
Mr.R.Gopinath [R3 to R5]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the Kancheepuram City Municipal Corporation to accept the regularization fees from the petitioners and to process the application given by the petitioners for regularizing their plots in various layout.



Writ Petition No.17858 of 2023

2. Heard Mr.S.Sundaresan, learned counsel for petitioner, Mr.C.Selvaraj, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.R.Gopinath, learned counsel appearing for respondents 3 to 5.

3. The petitioners are owners of the subject property at Nattapettai Village at Kancheepuram District. Initially, this place came within the jurisdiction of the Kancheepuram Municipality and later, it has been upgraded as City Municipal Corporation. The petitioner wanted to regularize the plots owned by them under the 2017 regularization scheme and made an application before the fourth respondent. The fourth respondent sanctioned the same through proceedings dated 06.12.2019 and directed the petitioners to pay the amount as was indicated in the annexure appended to the proceedings. The further case of the petitioners is that the proceedings were received by the petitioners on 09.01.2020 from the then Kancheepuram Municipality demanding a sum of Rs.6,50,203/- towards regularization fees and Rs.18,06,127/- towards development charges. The petitioners did not have the financial wherewithal to make this payment immediately and in the mean time, the pandemic had set in. That apart, Kancheepuram



Municipality has also been upgraded as Municipal Corporation. Due to all these developments, the payment was not able to be made within a reasonable time and there was also no clarity on the side of the upgraded Municipal Corporation to receive the amount. As a result, the petitioners were making repeated representations to receive the regularization fees, however, the same did not evoke any response. Left with no other option, the present writ petition has been filed before this Court.

4. Learned Standing Counsel appearing on behalf of the Kancheepuram City Municipal Corporation submitted that G.O.(Ms).No.172, dated 13.10.2017 stipulates that the charges and fees demanded by the competent authority must be paid within 30 days from the date of communication of the demand. Admittedly, the petitioners did not pay the amount that was demanded from them on 09.01.2020. Learned counsel further submitted that the period of 30 days is extendable only up to 90 days even as per the Government Order and beyond that, the application should be summarily rejected. According to the learned Standing Counsel, the case of the petitioners falls under this category and the petitioners did not remit the amount within 90 days from the date of the demand.

5. In the considered view of this Court, the issue is now governed by



the latest Government Order in G.O.(Ms).No.21, dated 05.02.2019 and the notification appended thereto. The said notification prescribes the regularization charges to be assessed and levied depending upon the date on which the application has been received. Unfortunately, in this case, the crucial period came within the pandemic period when there was a total lock down and the entire machinery had come to a grinding halt. That apart, the Kancheepuram Municipality was upgraded as City Municipal Corporation and there was lack of clarity. In view of the same, considering the facts and circumstances of the case, this Court deems it fit and proper to permit the petitioners to pay the fees demanded to the third respondent within the time limit fixed by this Court. It is always left open to the third respondent to consider the application in line with the Government Orders and it is not necessary to reject the application at the threshold.

6. In the light of the above discussion, there shall be a direction to the petitioners to pay the regularization fees/development fees as fixed by the third respondent within a period of two (2) weeks from the date of receipt of a copy of this order. If the fee is paid within the time prescribed by this Court, it is left open to the third respondent to scrutinize the application in



Writ Petition No.17858 of 2023

line with the Government Orders/notifications. If the amount is not paid within the time limit fixed by this Court, the application submitted by the petitioners shall be deemed to have been rejected.

This writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

19.06.2023

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

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- 2.The Secretary to Government,
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N.ANAND VENKATESH, J

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