



W.P.No.25085 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

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

AND

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

W.P.No.25085 of 2021

Sushil Kumar Chouraria

.. Petitioner

Vs

1 The Member Secretary
Chennai Metropolitan Development Authority
Thazamuthu Natrajan Building
No.1 Gandhi Irwin Road
Egmore, Chennai - 600 008.

2 The Commissioner
Greater Chennai Corporation
Chennai - 600 003.

3 The Executive Engineer
Greater Chennai Corporation
Zone- 8 Shenoy Nagar
Chennai - 600 102.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 2 and 3, their men, agents, servants or any one acting under



W.P.No.25085 of 2021

them, from locking and sealing/demolishing the premises situate at New Door No.9, Old Door No.17, B-Block, 6th Street, Anna Nagar, Chennai- 600 102 within the limits of Periyakudal Village, Chennai District, Greater Chennai Corporation, pending disposal 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 1st respondent vide receipt No.CMDA/Reg-113C/929/2019.

For the Petitioner : Mr.D.S.Rajasekaran

For the Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mrs.P.Veena Suresh
for 1st respondent

: Ms.P.T.Ramadevi
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.D.S.Rajasekaran, learned counsel for the petitioner; Mr.P.Kumaresan, learned Additional Advocate General, assisted by Mrs.P.Veena Suresh, learned counsel for the first respondent; and Ms.P.T.Ramadevi, learned counsel for respondents



W.P.No.25085 of 2021

2 and 3.

WEB COPY

2. It is submitted that the petitioner has filed an application for regularisation with the Chennai Metropolitan Development Authority (first respondent). The government order permitting regularisation is set aside by this court and now the matter is *sub judice* before the Apex Court.

3. We have disposed of other writ petitions with an observation that: "*if subsequently after the orders are passed by the Apex Court and the petitioners have any remedy open, they are entitled to agitate the same afresh. In that event, all contentions are kept open*". We have observed that the parties may take steps pursuant to the judgment of the Apex Court.

4. In case, after the judgment of the Apex Court, if it is found that the petitioner is not entitled for regularisation, then the petitioner may agitate afresh.



W.P.No.25085 of 2021

5. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.26426 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

- 1 The Member Secretary
Chennai Metropolitan Development Authority
Thazamuthu Natrajan Building
No.1 Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 2 The Commissioner
Greater Chennai Corporation
Chennai - 600 003.
- 3 The Executive Engineer
Greater Chennai Corporation
Zone- 8 Shenoy Nagar
Chennai - 600 102.



WEB COPY



W.P.No.25085 of 2021

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

(sasi)

W.P.No.25085 of 2021

12.09.2023