



W.P.Nos.23889 of 2017 and 23119 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM :

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

AND

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

W.P.Nos.23889 of 2017 and 23119 of 2018

W.P.No.23889 of 2017:

V.B.R. Menon

.. Petitioner-in
Person

Vs

- 1.The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.



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4.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

5.The Director,
Directorate of Town and Country Planning,
Chengalvarayan Building,
4th Floor, No.807, Anna Salai,
Chennai-600 002.

6.S.Pothiraj

7.Vidhya peetham Charitable Trust,
rep. by its Managing Trustee R.B.Srinivasan,
Kasi Muniappan Koil Street,
Salem-636 001.

.. Respondents

[Respondent No.6 impeladed vide order
dated 30.1.2019 in WMP No.3871 of 2018]
[Respondent No.7 impleaded vide order
dated 21.02.2019 in WMP No.28009 of 2017]

W.P.No.23119 of 2018:

Citizen Consumer and Civic Action Group,
rep. by its Executive Director Om Prakash Singh,
Old No.277B, New No.246
TTK Road (JJ Road), Alwarpet,
Chennai-600 018.

.. Petitioner

Vs

1.The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.



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2. The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing and Urban Development [UD4(3)] Department,
Fort St. George,
Chennai-600 009.

.. Respondents

Prayer: W.P.No.23889 of 2017 filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the impugned Government Order Nos.(i) G.O.(Ms) No.110 and (ii) G.O.(Ms) No.111, Housing and Urban Development [UD4(3)] Department dated 22.06.2017 passed by the first respondent and quash the same as violative of Articles 14 and 21 of the Constitution of India and to further direct the respondents to constitute a high power, multi-disciplinary Special Task Force to survey, identify, compile data and formulate a comprehensive regularisation scheme for the removal/regularization of all unauthorised constructions across Tamilnadu and execute the scheme within the prescribed time limit after obtaining approval from this Court.

W.P.No.23119 of 2018 filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the second respondent contained in its GO (Ms) 110 & GO (Ms) 111, dated 22.06.2017 being rules framed under Section 113C of the Tamilnadu Town and Country Planning Act, 1971 and quash the same as arbitrary, illegal and unconstitutional.

W.P.No.23889 of 2017:

For the Petitioner

: Mr.V.B.R.Menon
Petitioner-in-person



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For the Respondents

: Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3 & 5

: Mr.P.Kumaresan
Addl. Advocate General
assisted by
Mrs.P.Veena Suresh
for respondent No.4

: No appearance
for respondents 6 and 7

W.P.No.23119 of 2018:

For the Petitioner

: Mr.Suhrith Parthasarathy

For the Respondents

: Mr.P.Kumaresan
Addl. Advocate General
assisted by
Mrs.P.Veena Suresh
for respondent No.1

: Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar
State Government Pleader
for respondent No.2



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COMMON ORDER

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

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*,



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Secretary, Housing and Urban Development 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.

(S.V.G., CJ.)

(P.D.A., J.)

03.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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- 1.The Secretary to Govt. of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 4.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 5.The Director,
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Chengalvarayan Building,
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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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