



W.P.(MD) No.7948 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.7948 of 2023
and
W.M.P.(MD) Nos.7335 & 7337 of 2023**

Chelladurai

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by the Additional Chief Secretary
Government of Tamil Nadu
St.George Fort
Chennai-600 009
- 2.The Secretary
Housing and Urban Development Department
St.George Fort
Chennai-600 009
- 3.The Director
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor
C&E Market Road
Koyambedu, Chennai-600 107



W.P.(MD) No.7948 of 2023

4.The Commissioner
Office of the Commissioner
Dindigul Corporation
Dindigul

5.The Member Secretary
Dindigul Local Planning Authority
Dindigul

6.K.R.Kanchidurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the fourth respondent vide his proceeding in Na.Ka.No. 11041/2018/F3, dated 20.03.2023 and quash the same as illegal.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 to R3
Mr.M.Thirunavukarasu for R4 & R5

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and Mr.M.Thirunavukarasu, learned counsel, takes notice for the respondents 4 & 5.



W.P.(MD) No.7948 of 2023

WEB COPY

2. Considering the nature of the relief, notice to the private respondent is deemed unnecessary.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Though the challenge in this writ petition is to the notice dated 20.03.2023, issued by the fourth respondent, under Section 56(2) of the Tamil Nadu Town and Country Planning Act, 1971, (for brevity, “the Act”) the petitioner would submit that the building in question being a residential house, he should be given an opportunity to get it regularized. The petitioner has approached the Secretary to Government, Housing and Urban Development Department, with an appeal for regularization. The petitioner could have approached the Planning Authority under Section 56(3) of the Act seeking retention of the building.

5. In view of the fact that the building in question is a residential house, the petitioner is given liberty to approach the Planning Authority under Section 56(3) of the Act seeking retention of the building in question. If the



W.P.(MD) No.7948 of 2023

petitioner so applies, the Planning Authority shall dispose of the petitioner's application on merits, within a period of two months from the date of receipt of such application. Till such time the application is disposed of, further action on the impugned notice shall stand deferred.

6. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

10.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The Additional Chief Secretary,
Government of Tamil Nadu,
State of Tamil Nadu,
St.George Fort,
Chennai-600 009.

2.The Secretary,
Housing and Urban Development Department,
St.George Fort,
Chennai-600 009.



W.P.(MD) No.7948 of 2023

WEB COPY

3.The Director,
Directorate of Town and Country Planning,
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W.P.(MD) No.7948 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.P.(MD) No.7948 of 2023
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