



WEB COPY



W.P.No. 17973 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

And

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No. 17973 of 2021

Piramu

...Petitioner

Versus

1. The State of Tamil Nadu
Represented by its Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Greater Chennai Corporation
Represented by its Commissioner
Rippon Buidings, Chennai - 600 003.
3. The Chennai Metropolitan Development Authority
Represented by its Member - Secretary
No. 8, Gandhi Irwin Road
Egmore, Chennai - 600 008.

...Respondents



W.P.No. 17973 of 2021

Writ Petition is filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to the impugned order bearing Letter No. 6270/UD-VI(2)/2021-3 dated 30.07.2021 and quash the same and consequently forbear the Respondents from in anyway taking coercive steps like locking and sealing or demolishing any part of the petitioner's premises in Plot No. 19, Door No. 3/8, Anish Nagar 2nd Street, Ramapuram, Chennai-600 089 pending consideration of the petitioner's application for regularization vide Receipt No. CMDA/Reg-113C/752/2018, dated 20.12.2018 and the application with Revised Plan dated 23.01.2021.

For Petitioner : Mr.Vaidya Shankar

For R1 : Mrs. S. Anitha

Special Government Pleader

For R2 : D.B.R. Prabhu

Standing Counsel

For R3 : Mrs.P. Veena Suresh

ORDER

[Order of the Court was made by **S.S.SUNDAR, J**]

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to the impugned order bearing Letter No.6270/UD-VI(2)/2021-3 dated



W.P.No. 17973 of 2021

WEB COPY

30.07.2021, quash the same and consequently to forbear the respondents from in anyway taking coercive steps like locking and sealing or demolishing any part of the petitioner's premises in Plot No. 19, Door No. 3/8, Anish Nagar 2nd Street, Ramapuram, Chennai-600 089, pending consideration of the petitioner's application for regularization vide Receipt No. CMDA/Reg-113C/752/2018, dated 20.12.2018 and the application with revised plan dated 23.01.2021.

2. The case of the petitioner in brief, is that the petitioner has put up construction after demolition of the existing structure. It is also the case of the petitioner that the petitioner has applied for sanction of building plan, vide application dated 09.04.2015 and also applied for building permit and got approval for planning permission on 10.10.2015 for demolition and reconstruction. The building has been assessed to property tax and the petitioner has also obtained electricity service connection, metro water and sewerage connection etc., to the building. However, the petitioner has received a stop work notice on the premise that the petitioner has not applied for planning approval. As against stop work notice, and notice of locking, sealing and demolition of petitioners



W.P.No. 17973 of 2021

WEB COPY

superstructure, the petitioner has filed a revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the first respondent. However, the revision petition filed by the petitioner was dismissed by the impugned order. It is the further case of the petitioner that he had filed an application for regularization in terms of Section 113-C of the Tamil Nadu Town and Country Planning Act. He has also paid the charges, vide receipt dated 20.12.2018. The grievance of the petitioner is that while the petitioner's application for regularization under the scheme in terms of Section 113-C is pending, the impugned order has been passed.

3. It is contended by the learned counsel appearing for the petitioner that the impugned order is against law settled by this Court and against public policy to pass an order for demolition of building when the application filed by the petitioner for regularization is pending. If the application regularization is allowed and deviations are regularised, the petitioner, who may get the benefit will not have the building. In other words, if the building is demolished or altered pursuant to the impugned order, it would cause irretrievable damages. Therefore, the impugned



W.P.No. 17973 of 2021

WEB COPY

order, confirming the original order in terms of Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, and directing the demolition of the building, as per the approved plan, has to be kept in abeyance till the disposal of application for regularization.

4. Accordingly, the Writ Petition is allowed to the extent that the order of the 1st respondent pertaining to the impugned order bearing Letter No. 6270/UD-VI(2)/2021-3 dated 30.07.2021 shall be kept in abeyance till the disposal of application for regularization. However, the order impugned shall be enforced in case regularization application submitted by the petitioner, pending before the third respondent, is rejected for any reason. No costs.

[S.S.S.R., J]

[N.S., J]

10.01.2024

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

MSM



W.P.No. 17973 of 2021

To
WEB COPY

1. The Secretary to Government
The State of Tamil Nadu
Housing and Urban Development Department
Secretariat, Fort St. George,
Chennai- 600 009.
2. The Commissioner,
The Greater Chennai Corporation
Rippon Buidings, Chennai - 600 003.
3. The Member - Secretary,
The Chennai Metropolitan Development Authority
No. 8, Gandhi Irwin Road
Egmore, Chennai - 600 008.



WEB COPY



W.P.No. 17973 of 2021

S.S.SUNDAR, J
and
N. SENTHILKUMAR, J

MSM

W.P.No. 17973 of 2021

10.01.2024