



W.P.No.16257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.16257 of 2024

and

W.M.P.No.17803 of 2024

N.Parasuraman

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development,
Secretariat, Chennai – 600 009.
- 2.The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings, No.1131, EVR Periyar Salai,
Park Town, Chennai – 600 003.
- 3.The Executive Engineer, Zone IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai.



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4. The Assistant Engineer, Zone IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai.

5. The Assistant Executive Engineer, Zone IX,
Corporation of Chennai,
No.1, Lake Area, 4th Cross Street,
Nungambakkam, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's reopen petition dated 09.02.2024 within a specific time frame as fixed by this Court.

For Petitioner	:	Mr.M.R.Dhalapathy Vignesh Kumar
For R1	:	Mr.G.Nanmaran Special Government Pleader
For R2 to R5	:	Mr.E.C.Ramesh Standing Counsel



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ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's reopen petition, dated 09.02.2024, within a specific time frame.

2.This Court finds that there is no scope for entertaining this writ petition. The petitioner has earlier filed a revision petition under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, before the 1st respondent as against the enforcement order for demolition. The petitioner admits that the building put up by the petitioner is unauthorised, as the petitioner has not obtained any building plan approval. However, the petitioner appears to have sent a representation earlier to the Government that he had applied for planning permission under Section 113-C of the Act and that the same is pending. The petitioner has projected as if his application for regularisation of his unauthorised construction is pending before the Government. Later, pursuant to a direction of this Court in a writ petition in W.P.No.12352 of 2023, the official respondents were directed to



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take action after hearing the petitioner. The said writ petition was by an individual complaining that the construction put up by the petition is not authorised.

3.In the meantime, another writ petition was filed by the petitioner in W.P.No.25624 of 2023 for disposal of the revision petition filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. The said writ petition was disposed of by directing the official respondents to consider the revision petition said to have been filed by the petitioner. Pursuant to the order of this Court, after hearing the revision petitioner and the objector, the revision petition was dismissed as withdrawn at the request of the writ petitioner. The petitioner, thereafter, submitted a representation to re-open the revision petition. In the representation of the petitioner, it is stated that the petitioner's building was held to be unauthorised as the petitioner did not have patta for the property. Stating that the application for grant of patta in favour of the petitioner is under active consideration, the petitioner has now projected a case as if the revision petition filed earlier was withdrawn on bad advice and therefore, his



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revision came to be dismissed after recording petitioner's statement. Even before this Court, the petitioner on his own admission, clarified that he has no patta to claim title to the property in which he has developed. Thereafter, construction is unauthorised. Therefore, there is no scope for entertaining the revision petition. The petitioner cannot expect the Government to regularise his construction which is not in the land belonging to him. Therefore, this Court is unable to find any merit in this writ petition.

4. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
20.06.2024

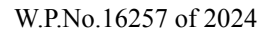
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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To



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S.S. SUNDAR, J.



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