



W.P.Nos.22673 and 22674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.Nos.22673 and 22674 of 2024

S. Nagaraj Petitioner in W.P.No.22673 of 2024

A. Mubarak Ali Petitioner in W.P.No.22674 of 2024

vs.

1. The Secretary to the Government of Tamil Nadu
Housing & Urban Development Department
Secretariat
Fort St. George
Chennai 600 009
2. The Commissioner of Municipal Administration
Ezhilagam Annexe Building VI Floor
Chepauk
Chennai 600 005
3. The District Collector
District Collector Office
Coimbatore 641 018
4. The Municipal Commissioner
Mettupalayam Municipal Office
Housing Unit
Mettupalayam 641 301
5. The Deputy Director
Town & Country Planning
Corporation Shopping Complex II Floor
Dr. Nanjappa Road
Coimbatore 641 018



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6. The Executive Engineer-cum-Administrative Officer
Tamil Nadu Housing Board
Coimbatore Housing Unit
No.7 HUDCO Colony
Tatabad
Coimbatore 641 012

Respondents in both WPs

Prayer in W.P.No.22673 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the fifth respondent to consider and dispose of the petitioner's application *vide* receipt no.DTCP/Reg-113C/764/2022 dated 21.09.2022 for regularisation of the building filed under Section 113-C of the Tamil Nadu Town and Country Planning Act and the Building Regularisation Rules, 2017, with respect to the property situated at Door No.147B8-H8C & 147B8-H8D, Ward C, Block No.27, T.S.No.50, Plot No.33-D6, Kovai Main Road from one Gunasingh on 20.03.2019 situated at Survey No.164 Chikkadasampalayam Village, Mettupalayam Taluk, Mettupalayam District.

Prayer in W.P.No.22674 of 2024:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the fifth respondent to consider and dispose of the petitioner's application *vide* receipt no.DTCP/Reg-113C/763/2022 dated 21.09.2022 for regularisation of the building filed under Section 113-C of the Tamil Nadu Town and Country Planning Act and



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the Building Regularisation Rules, 2017, with respect to the property situated at Door No.147B8-H8A & 147B8A-H8B, Ward C, Block No.27, T.S.No.50, Plot No.33-D6, Kovai Main Road from one S. Senthilkumar on 13.11.2019 situated at Survey No.164 Chikkadasampalayam Village, Mettupalayam Taluk, Mettupalayam District.

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For petitioner
in both WPs

Mr. B.M. Subash

For RR 1 to 3 & 5
in both WPs

Mr. Karthik Jagannath

For R4
in both WPs

Mr. B. Anand, Standing Counsel

COMMON ORDER

(made by D. KRISHNAKUMAR, J.)

The petitioners who have made applications on 21.09.2022 under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971, and the Building Regularisation Rules, 2017, before the fifth respondent, seeking regularisation of their respective buildings, aggrieved by the inaction on the part of the said authority in considering and passing orders on their applications, have preferred the instant writ petitions, seeking a direction for disposal of their applications.

2. Today, when these writ petitions were taken up for hearing, the learned Government Advocate appearing for respondents 1 to 3 and 5,



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drew the attention of this Court to paragraph no.5 of the counter affidavit dated 14.10.2024 filed by the fifth respondent. In the said paragraph, it is stated that challenging the order dated 06.02.2019 passed by a Coordinate Bench of this Court in Cont.P.No.1087 of 2017 and W.P.No.24705 of 2017, wherein, it has been directed that the respondents should not entertain any application under Section 113-C, *ibid.*, the respondents have preferred appeals before the Supreme Court in Civil Appeal Nos.6847-6848/2022 and that the said appeals are under consideration, in view of which, the petitioners' applications seeking regularisation are kept pending.

3. Thus, when the matter is in seizin before the Supreme Court, this Court cannot direct the authorities to consider the petitioners' applications filed under Section 113-C, *ibid.* However, it is open to the petitioners to pursue their remedy at a later stage.

With the above direction and observation, these writ petitions stand dismissed, however, sans costs.

(D.K.K., J.) (P.B.B., J.)

29.10.2024

cad



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To

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