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Rev.A.No.157 of 2023

In the High Court of Judicature at Madras

Dated : 04.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Review Application No.157 of 2023
in Writ Petition No.24197 of 2022

- 1.C.Sethupathy
- 2.N.Sivasamy

represented through their power
agent M/s.Noble Developers &
Properties (India) Pvt. Ltd.,
rep.by its Managing Director
Mr.A.Ramesh Kumar, door No.9/15,
Sri Ram Layout, Saibaba Colony,
Coimbatore-11.

...Applicants

Vs

- 1.The Member Secretary, Coimbatore
Local Planning Authority, Coimbatore,
Coimbatore District.
- 2.The Commissioner, Coimbatore
Corporation, Coimbatore,
Coimbatore District.
- 3.The Secretary to Government,
Housing & Urban Development
Department, Secretariat,
Fort St.George, Chennai-9.

...Respondents



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APPLICATION under Article 226 of The Constitution of India read with Section 114 of the Civil Procedure Code praying to review the order dated 22.6.2023 in W.P.No.24197 of 2022 so as to make necessary changes in the order to meet the ends of justice.

For Applicants : Mr.C.Ravichandran
For R3 : Ms.E.Ranganayaki, AGP

ORDER

This review application has been filed seeking to review the order dated 22.6.2023 in W.P.No.24197 of 2022

2. Heard the learned counsel for the applicants and the learned Additional Government Pleader appearing for the third respondent.

3. When the matter came up for hearing on 16.2.2024, this Court passed the following order :

"Ms.E.Ranganayaki, learned Additional Government Pleader takes notice on behalf of the third respondent.

2. The only ground on which the review has been filed is that there is no appeal pending before the third respondent. But however, a direction has



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been given to the petitioners to prosecute the appeal before the third respondent.

3. The learned Additional Government Pleader shall take instructions in this regard and report before this Court.

4. Post this case under the same caption on 04.3.2024 at 2.15 PM."

4. When the matter is taken up for hearing today, the learned Additional Government Pleader, on written instructions received from the Deputy Secretary to Government, Housing & Urban Development Department, Secretariat, Chennai-9, submits that no appeal under Section 79 or revision under Section 80A of the Tamil Nadu Town and Country Planning Act is pending before the Government.

5. In view of the above instructions, paragraph 12 of the order dated 22.6.2023 in W.P.No.24197 of 2022 will have to be recast. Since no appeal is pending before the Government, there is no question of directing the applicants to prosecute the appeal. The only other remedy that is available to the applicants is to invoke the provisions of Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998 and seek regularization of the unauthorized construction before the



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Commissioner of Coimbatore Corporation. Such an application shall be filed by the applicants within a period of four weeks from the date of receipt of a copy of this order. On receipt of the application, the Commissioner, Coimbatore Corporation shall deal with the same in accordance with Section 135 of the Tamil Nadu Urban Local Bodies Act, 1998 and take a final decision within a period of eight weeks thereafter.

6. The order dated 22.6.2023 in W.P.No.24197 of 2022 stands reviewed to the extent indicated above and the review is ordered accordingly.

04.3.2024

To

- 1.The Member Secretary, Coimbatore
Local Planning Authority, Coimbatore,
Coimbatore District.
- 2.The Commissioner, Coimbatore
Corporation, Coimbatore,
Coimbatore District.
- 3.The Secretary to Government,
Housing & Urban Development
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N.ANAND VENKATESH,J

RS

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W.P.No.24197 of 2022

04.3.2024