



WEB COPY



W.P.No.504 of 2024

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.504 of 2024
and WMP.No.515 and and 516 of 2024

A.Rajendran

...petitioner

Vs.

1. The State of Tamilnadu,
Represented by its' Secretary,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. Asst. Executive Engineer U-20,
GCC., Ambatur Zone-7,
Ward 90, 536, CTH Road, Ambattur,
Chennai 600 053.
3. The Zonal Officer,
Zone-7, Ambattur,
Greater Chennai Corporation,
CTH Road, Opposite to Dunlop Play Ground,
Chennai 600532.
4. The Deputy Commissioner,
GCC., Ambattur Zone-7,
Ward 90, 536, CTH. Road, Ambattur,
Chennai 600053.



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5. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Periamet, Chennai 600003.
6. The Member Secretary CMDA,
Egmore, Chennai 60008.
7. K.Ramachandran
8. Sri Devi
9. P.Ramesh

...respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, calling for the records pertaining to the first respondent's order in his Letter No.2375/UD-VI(1)/2022-4, dated 08.08.2022 which has passed in respect of the deviated portions of the construction totally to an extent of 2138 sq.ft. around situated at EW Block No.8/5, Santhanam Colony, Anna Nagar, West Extension, Chennai 600101 for quashing the same.

For petitioner	: Mr.M.Rajasekaran
For respondents	
for R1	: Mr.M.Muthusamy, G.A.
for RR2 to 5	: Mr.D.B.R.Prabhu
for R6	: Mr.Y.Bhuvanesh Kumar

ORDER

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

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the first respondent dated 08.08.2022.



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3. The said notices were challenged by the seventh respondent in the Writ Petition in WP.No.5845 of 2012 and the same was disposed of with a direction to the seventh respondent to approach the Government under Section 80-A of the Town and Country Planning Act. When a revision was filed by the seventh respondent before the Government/first respondent, the impugned proceedings were passed by which, the first respondent taking note of the fact that the seventh respondent has filed a petition for regularisation to preserve the building under Section 113(A) of the Regularisation Scheme 1999, stayed the further proceedings for a period of three months.



4. It is to be noted that the first respondent has given only 3 months time, before which the seventh respondent should take steps to get regularisation. In case, the building is not regularised under the Scheme, the second respondent will be at liberty to take action on the unauthorised construction. This proceedings of the first respondent is under challenge in this Writ Petition.

5. The grievance of the petitioner is that the first respondent had not served any notice on him when they considered the revision petition of the seventh respondent even though the earlier order passed by the second respondent was at his instance. Further, the seventh respondent was given fair opportunity of considering his regularisation application if it is in accordance with law with a direction to maintain status quo till such time. This Court is of the view that the order of the first respondent is appropriate having regard to the admitted facts. Hence, there is no merit in the present Writ Petition.

6. Since it is stated that the application for regularisation has to be considered by the sixth respondent, viz., Chennai Metropolitan Development Authority, the sixth respondent or any authority, who is going



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to consider the regularisation application of the seventh respondent in terms of the said Scheme or any other subsequent Scheme, shall issue a notice to the petitioner and hear his objections if any before passing orders.

7. With the above observations, this Writ Petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.J.,) (N.S.J.,)
10.01.2024

Index : Yes / No
Speaking order: Yes/No
pvs



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To

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

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

Today, the matter is listed under the caption “for being mentioned”, as it was pointed out by the learned counsel for the petitioner that there is an inadvertent mistake in Para No.3 of the final order in this writ petition, dated 10.01.2024, where, instead of “WP No.5845 of 2022”, it is wrongly mentioned as “WP No.5845 of 2012”.

2.Hence, the number of the writ petition mentioned at the 2nd line of Para No.3 of the order, dated 10.01.2024, made in W.P.No.504 of 2024, shall read as “WP No.5845 of **2022**” instead of “WP No.5845 of **2012**”.

3.Registry is directed to carry out the aforesaid correction and issue fresh copy of the order to the parties.

(S.S.S.R., J.) (N.S., J.)
10.04.2024

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