



WEB COPY

W.P.No.36018 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.36018 of 2024
and
W.M.P.Nos.38092 & 38904 of 2024

Vineetha Agarwal

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Additional Secretary (Technical),
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.

2.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

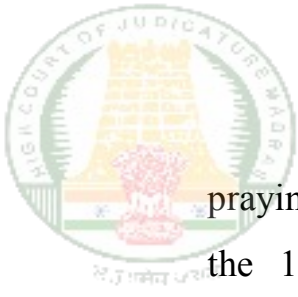
3.Greater Chennai Corporation,
Rep. by its Commissioner,
Ripon Building, Chennai – 600 003.

4.The Executive Engineer,
Zone – IX, Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai – 600 034.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India

1/6



praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to an order of rejection under Section 113(A)(6) of the Town and Country Planning Act vide letter No.7054785/UD-5(2)/2024-4 dated 07.10.2016 rejecting the petitioner's appeal against the order of rejection by the 2nd respondent under Section 113A of the said Act vide Letter No.REG-1/B4(BC1)/33713/2002 dated 17.10.2016 rejecting the regularization application for the building put up at Door No.61, Greams Road, Thousand Lights, Chennai – 600 006 and quash the same and consequently direct the 3rd and 4th respondents to re-consider the petitioner's application for regularization under Section 113(A)(6) of the Town and Country Planning Act dated 17.06.2002 and forbear them from interfering with the aforesaid building in any manner by way of locking and sealing and demolition.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.R.Kumaravel,
Additional Govt. Pleader for R1

Mr.C.Manoharan,
Standing Counsel for R2

Mr.D.B.R.Prabhu,
Standing Counsel for R3 and R4



WEB COPY

W.P.No.36018 of 2



J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

Challenge in this writ petition is to the order of the Government made in revision under Section 113(A)(6) of the Tamil Nadu Town and Country Planning Act.

2. The said provision empowers the Government or any Authority authorized by the Government to exempt, any land or building or lands or buildings developed before 31st March 2002, from the provisions of any Rules or Regulations made under this Act.

3. The Government has found that an application for regularization made by the petitioner was rejected as early as in the year 2002, though it is claimed by the petitioner that the said order was not communicated. Once it is found that the building is in violation of the approved plan, collection of regularization fee will not give any vested right to the petitioner to retain his building, which is in violation of the approved plan. It is also the finding of the Government that the building is not eligible for regularization.



WEB COPY

W.P.No.36018 of 2



4. Hence, we see no infirmity in the order of the Government made in the revision. The writ petition is therefore **dismissed**. There will be a direction to the Chennai Corporation to take appropriate action to remove the offending structure within a period of four (4) months from today. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (C.K., J.)
26.11.2024

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order



W.P.No.36018 of 2

To

- 1.The Additional Secretary (Technical),
Government of Tamil Nadu,
Housing & Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai – 600 003.
- 4.The Executive Engineer,
Zone – IX, Greater Chennai Corporation,
No.1, Lake Area 4th Cross Street,
Nungambakkam, Chennai – 600 034.



W.P.No.36018 of 2

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

dsa

W.P.No.36018 of 2024

26.11.2024