



WEB COPY

W.P.No.36120 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

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

W.P.No.36120 of 2024
and
W.M.P.No.39013 of 2024

B.Murugan

...Petitioner

Vs.

- 1.The Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Chennai – 600 003.
- 4.The Executive Engineer,
Zone – X, Greater Chennai Corporation,
No.117, NSK Salai,
Kodambakkam,
Chennai – 600 024.



5.The Assistant Executive Engineer,
Unit 29, Division – 127,
Greater Chennai Corporation,
Chennai.

6.R.S.Madhavan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 5 herein from locking and/ or sealing the premises at Door No.2/4, Jai Nagar 6th Street, Jai Nagar, Arumbakkam, Chennai – 106 during the pendency of the application for regularization under Section 113-C.

For Petitioner : Mrs.A.L.Gandhimathi,
Senior Counsel
For Mr.L.Palanimuthu

For 1st Respondent : Mr.S.John J.Raja Singh,
Additional Government Pleader

For 2nd Respondent: Mr.C.Manoharan, CMDA

For Respondents 3 to 5 : Mr.Arun Babu for Corporation



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J U D G M E N T

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

The petitioner seeks a writ of Mandamus forbearing the respondents from locking and sealing the premises during the pendency of the application under Section 113-C of the Tamil Nadu Town and Country Planning Act [for brevity 'the Act'].

2. The very application under Section 113-C of the Act was filed to regularize illegal construction which was made without obtaining sanctioned plan. If we are to give protection to the petitioner till such time the application under Section 113-C of the Act is disposed of, we are only encouraging the person, who is indulged in illegality. The jurisdiction under Article 226 of the Constitution of India is not meant for encouraging such illegalities. We find such cases are on rise in the recent past. We are to blame ourselves for having invited such situation by showing undue indulgence to the violators.



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3. Hence, this Writ Petition is **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
03.12.2024

dsa

Index : No
Neutral Citation : No
Speaking order



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To

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

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