



**W.P.(MD) No.1342 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 19.12.2024**

**CORAM:**

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.1342 of 2021  
and  
W.M.P.(MD) No.1121 of 2021**

R.Kather Oli

... Petitioner

-VS-

The Government of Tamil Nadu,  
Rep. By its Secretary,  
Housing and Urban Development Department,  
Secretariat, Fort St. George, Chennai.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pass orders on the petitioner's exemption application under Section 113 and 113-C of the Tamil Nadu Town and Country Planning Act, 1971 dated 22.03.2019 and consequently forbear the respondent or their subordinates from taking any coercive action against the petitioner's property subject matter of the said exemption application in light of the decision of the Hon'ble Supreme Court of India in *The Commissioner, Corporation of Madurai v. Dr.I.Ismail* 2017 (5) CTC 558.



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For Petitioner : Mr.Jesima Yasmin  
for M/s.Ajmal Associates

For Respondent : Mr.SRA.Ramachandran,  
Additional Government Pleader

### **ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

Counsel for respondent states that application has been made to Secretary, Department of Housing and Urban Development Department, Fort St. George, Chennai, whereas it should have been applied to Deputy Director of Town and Country Planning, who shall forward it to concerned department.

2.Ms.Jesima Yasmin, counsel for petitioner states that as per Rule 113-C of the Tamil Nadu Town and Country Planning Act, 1971, it is the Government which is responsible.

3.If what Ms.Jesima Yasmin states is correct, then in every matter no application need to be made to any department. It could be simply addressed to Government of Tamil Nadu, Fort St. George, Chennai. Therefore, we do not accept Ms.Jesima Yasmin's statement.



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4.If petitioner wishes, on or before 25.12.2024, petitioner may file an application before Deputy Director of Town and Country Planning and forward a copy thereof to Secretary, Department of Housing and Urban Development Department, Fort St. George, Chennai and a copy to Shri.SRA.Ramachandran, counsel for respondent. If such a copy is not received by Shri.SRA.Ramachandran, he can advise the respondent to reject the application of petitioner dated 22.03.2019 and thereafter take steps to remove all illegal constructions.

5.Writ petition is disposed of. There shall be no order as to costs. Consequently, interim application stands dismissed.

**[K.R.SHRIRAM., C.J.]**

**[L.VICTORIA GOWRI, J.]**

**19.12.2024**

NCC : Yes / No  
Index : Yes / No

MR



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To:  
The Secretary,  
Government of Tamil Nadu,  
Housing and Urban Development Department,  
Secretariat, Fort St. George,  
Chennai.



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**THE HON'BLE CHIEF JUSTICE**  
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