



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

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**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

WP No. 1472 of 2024

1. Lions Club of Coimbatore Trust
Rep by its Co-Chairman Mr. Aravind
Jayamohanm Door No.90A, Valluvar
Street, Sivananda Colony,
Coimbatore 641 012.

Petitioner(s)

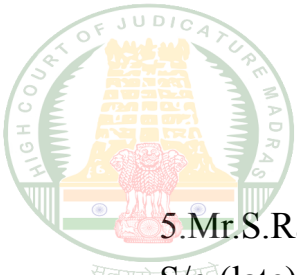
Vs

1. The Director / Commissioner
Director of Town and Country
Planning, Anna Salai, Chennai 600 002

2.The Commissioner,
Coimbatore City Municipal
Corporation, Coimbatore 641 012

3.The Member Secretary,
Coimbatore Local Planning Department
Corporation Commercial Complex,
Sivananda Colony, Coimbatore 641 012

4.The Assistant Commissioner,
Coimbatore City Municipal
Corporation, Coimbatore 641 012



5.Mr.S.Ramesh Kumar,b.Com.,
S/o.(late) C.S.Sarangapani, 13-b,
Valluvar Street, Sivananda Colony,
Coimbatore 641 012.(R5-impleaded as
Per Order Dated 16.02.2024 in
WMP.4161/2021 in WP.1472/2024 by
SSSRJ and NSJ)

Respondent(s)

PRAYER

Calling for the records on the file of the 2nd respondent vide Na.Ka.No. 10679 / 2023 / H.1 / dated 22.12.2023 and quash the same as illegal, incompetent and ultra vires and consequently direct the respondents to scrutinize the application filed by the petitioner under section 113 C on 21.06.2019 and proceed with the regularization process and may pass

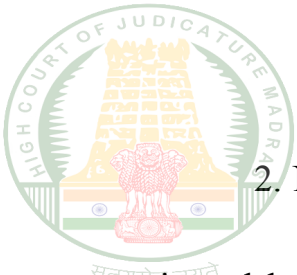
For Petitioner(s): No appearance

For Respondent(s): Mr.G.Ameedius,
Government Advocate
For RR1 & 3
Mr.K.Magesh For RR2 4
Mr.R.Bharath Kumar For R5

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ petition has been instituted challenging the Lock and Seal
Notice, dated 22.12.2023.



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2. No writ against the notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. That apart, a revision is contemplated under Section 80-A of the Tamil Nadu Town and Country Planning Act. The petitioner, if aggrieved may prefer a revision before the Government for considering the merits of the case.

3. Mere pendency of regularization application submitted under Section 113-C of the Tamil Nadu Town and Country Planning Act is not a bar for initiating the enforcement action. Regularization of unauthorized building cannot be done by the authority in a routine manner. Provision for regularization is an exception. Rule is to construct the building in accordance with the building plan approval. Therefore, the Rule should prevail and the power of discretion is to be exercised judiciously, for the purpose of granting the benefit of regularization. Regularization being an exception, pendency of an application for regularization is not a bar for completing the enforcement action. However, the petitioner if aggrieved, may prefer a revision before the Government under



Section 80-A of the Tamil Nadu Town and Country Planning Act. Equally, the authorities are competent to proceed with the further enforcement actions by

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following the procedures as contemplated under the said Act.

4. Accordingly, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

29-04-2025

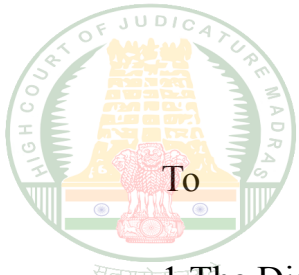
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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