



WEB COPY

WP No. 21571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P. No. 21571 of 2025
and W.M.P.No.24333 of 2025**

1. A.Marimuthu
S/o Mr. S.P. Avathan, No 56, 56-a,
Thirumalai Pillai Road, T. Nagar,
Chennai 600 017

Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep. By Its Secretary To Government,
Housing And 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

Respondent(s)

**PRAYER**

The Writ Petition is filed for the issuance of a Writ of Mandamus forbearing the second respondent from initiating any coercive action of locking and sealing and demolition of the building pursuant to the de-occupation notice dated 26.05.2025 issued under section 56 of the Tamil Nadu Town and Country Planning Act pending determination of the petitioners Application for regularisation filed under section 113-C dated 20.12.2017 within the 2nd Respondent and guidelines 9 of section 113-C of the Tamil Nadu Town and Country Planning Act in an appeal dated 08.09.2023 with the 1st respondent forming part of Civil Appeal Nos. 6847- 6848 / 2022 on the file of Hon'ble Supreme Court with regard to the premises put up at No. 56 and 56-A, Thirumalai Pillai Road, T. Nagar, Chennai 17.

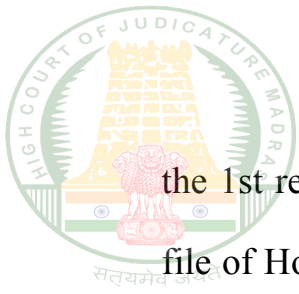
For Petitioner(s): Mr.R.Mohan

For Respondent(s): Mr.M.Venkateswaran
Special Government Pleader
For R1
Mr. Akhil Akbar Ali
Standing Counsel For R2

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

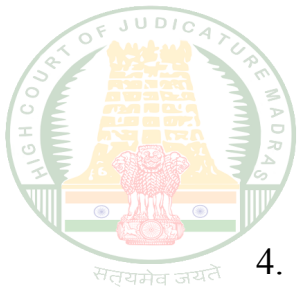
The present Writ Petition is filed forbearing the second respondent from initiating any coercive action of locking and sealing and demolition of the building pursuant to the de-occupation notice dated 26.05.2025 issued under section 56 of the Tamil nadu and country Planning Act pending determination of the petitioners Application for regularisation filed under section 113-C dated 20.12.2017 within the 2nd Respondent and guidelines 9 of section 113-C of the Tamil Nadu Town and Country Planning Act in an appeal dated 08.09.2023 with



the 1st respondent forming part of Civil Appeal Nos 6847- 6848 / 2022 on the file of Hon'ble Supreme Court with regard to the premises put up at No. 56 and 56-A, Thirumalai Pillai Road, T. Nagar, Chennai 17.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the Hotel-cum-Lodging Building at situated at No. 56 and 56-A,(New Door No.39) Thirumalai Pillai Road, T. Nagar, Chennai 17 and he is in peaceful possession and enjoyment of the said property. The building was constructed as early as in the year 2002 after obtaining planning permission and building approval from the authority concerned. While being so, the second respondent contemplated enforcement action under Section 56 of the Tamil Nadu Town and Country Planning Act, by issuing lock and seal notice (Form II Notice) dated 06.11.2023 and de-occupation notice dated 26.05.2025.

3. As against the enforcement action and to regularise the deviations, the petitioner filed an application for regularizing his premises under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 before the first respondent on 20.12.2017. Thereafter, as against the proceedings of the second respondent dated 31.08.2023, the petitioner filed an appeal before the first respondent on 08.09.2023 under guidelines of G.O.Ms.No.111, H & UD, dated 22.06.2017 issued under Section 113-C of the Act.



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4. The learned Standing Counsel appearing for the second respondent would submit that the matter regarding regularization under Section 113-C of the Town and Country Planning Act, is pending before the Hon'ble Supreme Court. He would further draw the attention of this Court to the order passed by the Hon'ble First Bench of this Court in W.P.No.9725 of 2017, dated 27.07.2023 ***[K.Perumal Vs. The State of Tamil Nadu, rep. by the Secretary to Government and Others]***, wherein it is held as follows:-

“3. We have disposed of other writ petitions, with an observation that, “if subsequently after the orders are passed by the Apex Court and the petitioners have any remedy open, they are entitled to agitate the same afresh. In that event, all contentions are kept open”. We have observed that the parties may take steps pursuant to the judgment of the Apex Court.

4. In case, after the judgment of the Apex Court, if it is found that the fifth respondent is not entitled for regularisation, then the petitioner may agitate afresh.”

5. In view of the fact that the matter regarding regularisation is seized of by the Hon'ble Supreme Court, the only remedy open to the petitioner and the respondents is to await the orders of the Hon'ble Supreme Court. The petitioner as well as the respondents are entitled to agitate the issue afresh, after the orders are passed by the Hon'ble Supreme Court, on the subject matter. Till then, the respondents are directed not to take any coercive steps against the petitioner.



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6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

18-06-2025

ASI

To

1. The Secretary to Government,
Housing And Urban Development
Department, Secretariat,
Chennai 600 009

2.The Member Secretary,
Chennai Metropolitan Development
Authority,
No 1 Gandhi Irwin Road, Egmore,
Chennai 600 008.



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