



WEB COPY



W.P.No.33566 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

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

W.P.No.33566 of 2024
and WMP.No.39621 of 2024

K.Eassa

.... Petitioner

Vs

- 1.The State
Rep by its Secretary to Government
Housing & Urban Development
Fort St.George
Chennai.
- 2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai - 600 008.
- 3.The Additional Secretary
Housing and Urban Development Department
Secretariat, Chennai - 9.
- 4.The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.



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5. The Executive Engineer - Zone X
Corporation of Chennai
117, NSK Salai
Kodambakkam, Chennai - 600 024.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the second respondent to regularise the building plan U/s.113C of the Town and Country Planning Act, in respect of property in Survey No.17/0 by considering the petitioner's application for regularisation dated 21.07.2018 in Receipt No.2018/07/21/000711 and pass further or suitable orders as this Court may deem fit and proper of the case.

For Petitioner : Ms.B.R.Benci Jerald

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader for R1 & R3
Mr.C.Manoharan
Standing Counsel for CMDA [R2]
Mr.A.Arun Babu
Standing Counsel for R4 & R5

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ of mandamus has been instituted to direct the second respondent to regularise the building plan under Section 113C of the Town and Country Planning Act, in respect of the subject property in T.S. No.17/0, Block No.32, Puliur Village, Egmore, Nungambakkam Taluk.



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2. Section 113C of Town and Country Planning Act was declared as ultra vires to the Constitution. However, an appeal filed against the declaration order is now sub-judice before the Hon'ble Supreme Court of India and there is no interim order. Therefore, the authorities are not empowered to invoke Section 113C of the Town and Country Planning Act and grant regularisation of building plan. Since Section 113-C of Town and Country Planning Act as of today is not in force, the application submitted by the petitioner cannot be considered by the competent authority, so also the direction as such sought for in the writ petition, cannot be granted.

3. The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.]

[K.R.S, J.]

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes / No

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S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

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