



W.P.(MD) No.3206 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.3206 of 2025

P.Mookkan

... Petitioner

-Vs-

1.The Secretary,
Urban & Housing Department,
Secretariat, Chennai.

2.The Commissioner,
Tiruchirappalli Municipal Corporation,
Tiruchirappalli.

3.The Assistant Commissioner,
Zone 1, Tiruchirappalli Municipal Corporation,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to No.F1/39131/2008(W.Z.A-1) dated 02.01.2025 on the file of the 2nd respondent and to quash the same as illegal and arbitrary and consequently, to direct the 2nd respondent to consider the petitioner's representation dated 30.09.2024 and not to take any coercive steps till the disposal of the application in DTCP/Reg-113C/619/2021 on the file of the 1st respondent.

Page 1 of 5



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W.P.(MD) No.3206 of 2025

For Petitioner : Mr.S.Venkatesh
For R1 : Mrs.D.Farjana Ghoushia,
Special Government Pleader
For R2 & R3 : Mr.R.Baskaran,
for M/s.R.B.Law Associates

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

This Writ Petition has been filed seeking quashment of the order of the 2nd respondent dated 02.01.2025 and consequently, a direction to the 2nd respondent to consider the petitioner's representation dated 30.09.2024 and not to take any coercive steps till the disposal of the application in DTCP/Reg-113C/619/2021 on the file of the 1st respondent.

2.The learned counsel appearing for the respondents 2 and 3 would submit that the matter regarding regularisation is seized of by the Hon'ble Supreme Court and the only remedy available to the petitioner is to await for the orders of the Hon'ble Supreme Court.



W.P.(MD) No.3206 of 2025

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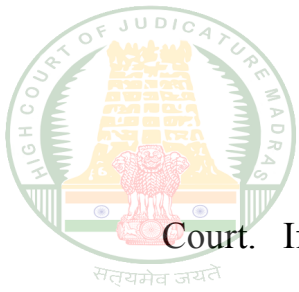
3.Relying on the judgment of this court dated 27.07.2023 in W.P.No.9725 of 2017, he would pray that a similar order may be passed in this Writ Petition also.

4.The Hon'ble First Bench of this Court in W.P.No.9725 of 2017 by order dated 27.07.2023 [***K.Perumal Vs. The State of Tamil Nadu, Rep.by the Secretary to Government and others***], while dealing with the Writ Petitions, seeking directions to enforce the locking and sealing and demolition notice, held as under:-

“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 regularization is seized of by the Hon'ble Supreme Court, the petitioner is to await the orders of the Supreme



W.P.(MD) No.3206 of 2025

Court. If the petitioner is entitled to agitate the issue afresh after the orders are passed by the Hon'ble Supreme Court, the petitioner may do the same.

Accordingly, this Writ Petition is disposed of. No costs.

[J.N.B., J.] & [L.V.G., J.]
10.02.2025

NCC : Yes / No
Index : Yes / No

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To

The Secretary,
Urban & Housing Department,
Secretariat, Chennai.



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W.P.(MD) No.3206 of 2025

J.NISHA BANU, J.
AND
L.VICTORIA GOWRI, J.

Yuva

W.P.(MD)No.3206 of 2025

10.02.2025