



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9300 of 2019

R.K.Ramanathan

...Petitioner

Vs

1. The Commissioner of Municipal Administration,
Chepauk, Chennai-5

2. The Director of Town and Country Planning,
Chennai – 2.

3. The Commissioner,
Trichy Corporation, Trichy

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to refund Rs.17,59,600/- (Rupees Seventeen lakhs fifty nine thousand six hundred only) towards regularization fee received from the petitioner under application dated 15/07/2002 together with interest at 12% p.a, within a reasonable period.

For Petitioner : M/s.P.Vadivel

For Respondents : M/s.N.Satheesh Kumar
Additional Government Pleader
for R1 and R2
Mr.K.R.Kishore Ram
for M/s.R.B.Law Associates for R3



ORDER

The present writ petition has been filed seeking a mandamus directing the respondents herein to refund a sum of Rs.17,59,600/- which was paid by the writ petitioner towards regularisation of the unauthorised construction put up by the petitioner by way of application dated 15.07.2002.

2. The petitioner herein has put up a construction meant for commercial purposes within Trichy Municipal City Corporation area. Since there was huge deviation, relying upon Section 113-B of the Tamil Nadu Town and Country Planning Act, 1971 and based upon Rule 3 of the Tamil Nadu Municipal Corporations(Regularisation of Unauthorised or Deviated and Development and Construction of Building) Rules, 2002, the petitioner has paid a sum of Rs.17,59,600/- as regularisation fee. However, the regularisation was not granted by the Municipal Corporation.

3. According to the learned counsel appearing for the writ petitioner, the building has been fully demolished. Thereafter, the petitioner has approached the respondents authorities for refund of the regularisation fee paid by him. The same was not considered. Hence, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 herein relying upon paragraph No.5 of the counter submitted that in view of the decision of the Hon'ble Division Bench in ***Consumer Action Group, rep. by its Trustee, Tara Murali and others Vs. the***



State of Tamil Nadu, Rep. by its Sectary to Government and others, (2006) 4

CTC 483 especially clause 13 of paragraph No.32, the petitioner is not eligible to claim refund of the regularisation fee. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The only ground on which the prayer in the writ petition is objected to, is in view of the judgment of the Hon'ble Division Bench reported in ***(2006) 4 CTC 483***. A perusal of the judgment reveals that Section 113-A of the Tamil Nadu Town and Country Planning Act, 1971 was put to challenge. The Hon'ble Division Bench was pleased to declare that Section 113-A is ultra vires of constitution. In the said judgment, in paragraph No.32(xiii), the regularisation fee collected shall be kept aside in a separate fund and could not be merged with the general account of the State of Tamil Nadu.

7. A perusal of the facts of the present case reveals that the petitioner had sought for regularisation relying upon Section 113-B of the Tamil Nadu Town and Country Planning Act, 19781 and not under Section 113-A of the said Act. It is also clear that Section 113-B has not been put to challenge. That apart, the judgment reported in ***(2006) 4 CTC 483*** clearly reveals that what was put to challenge was only Section 113-A. Therefore, the observations made in the said judgment are not applicable to the facts of the present case.



8. In the present case, the petitioner has paid regularisation fee relying upon Section 113-B of the Tamil Nadu Town and Country Planning Act, 1971.

The regularisation has not been granted and the petitioner has already demolished the building. In such an event, the Corporation cannot retain the regularisation fee paid by the writ petitioner.

9. In view of the above said deliberations, this writ petition stands allowed. The respondents 1 and 2 are directed to refund a sum of Rs.17,59,600/- (Rupees Seventeen Lakhs Fifty Nine Thousand and Six Hundred only) to the writ petitioner within a period of 12(twelve) weeks from the date of receipt of a copy of this order. No costs.

10.12.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
2. The Director of Town and Country Planning,
Chennai - 2.
3. The Commissioner,
Trichy Corporation, Trichy.



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R.VIJAYAKUMAR, J.

RJR

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