



WEB COPY



W.P.No.14610 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.14610 of 2026
and W.M.P.No.15852 of 2026

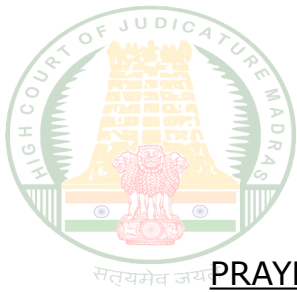
S.Malathi Selvam
W/o.Selvam (Late)
No.47/16, Balaji Street, Saidapet,
Chennai-600 115

Petitioner

Vs

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Housing and Urban Development
Department,
Secretariat, Chennai-600 008
- 2.The Chennai Metropolitan Development
Authority (CMDA)
Rep. by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008
- 3.Greater Chennai Corporation
Rep. by its Commissioner,
Rippon Building, Chennai-600 003

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd respondent to consider the representation of the Regularisation Application dated 08.08.2017 for the regularisation of the premises situated of Flat No.E-Basement of Baid Mehta Complex, Door No.183, New No.16, Mount Road, Saidapet, Chennai-600 015 belonging to the petitioner under Section-113C of the Tamil Nadu Town and Country Planning Act, 1971 with due consideration to the guidelines as per G.O.(MS) No.234 issued by Housing and Urban Development (UD4(1)) Department dated 30.10.2012.

For Petitioner: Mr.Yashwanth Hariharan
for M/s.D.R. Law Chambers

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for R1

Mrs.P.Veena Suresh
Standing Counsel
for R2

Mrs.P.T.Ramadevi
Standing Counsel
for R3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner under Article 226 of the Constitution of India for issuance of a writ of mandamus

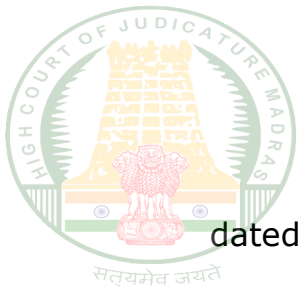


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directing respondent Nos.1 and 2 to consider the petitioner's regularisation application dated 8.8.2017 for the premises situated at Flat No.3-Basement of Baid Mehta Complex, Door No.183, New No.16, Mount Road, Saidapet, Chennai under Section 113C of the Tamil Nadu Town and Country Planning Act, 1971 with due consideration of the guidelines as per G.O.(Ms) No.234, dated 30.12.2012 issued by the Housing and Urban Development [UD4(1)] Department.

3. It has been brought to the notice of this Court by learned State counsel that, this Court, vide order dated 6.2.2019 in Contempt Petition No.1087 of 2017 and connected writ petition, arrived at a conclusion that insertion of Section 113C of the Tamil Nadu Town and Country Planning Act, 1971 (for short, "*the said Act*") is violative of the decision of the Apex Court in the case of *Consumer Action Group v. The State of Tamil Nadu and others*¹ and struck down G.O.Ms.Nos.110 and 111, dated 22.6.2017. Learned State counsel also produced the subsequent order of the Division Bench of this Court dated 3.7.2023 passed in W.P.Nos.23889 of 2017 and 23119 of 2018, wherein this Court recorded that the aforesaid Government Orders have already been set aside by this Court in Contempt Petition No.1087 of 2017,

¹(2000) 7 SCC 425



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dated 6.2.2019.

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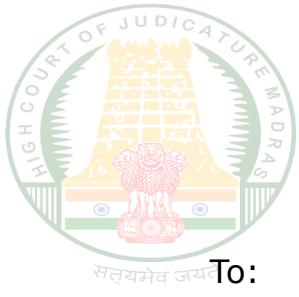
4. Learned State counsel has pointed out that the order passed by this Court is under challenge before the Apex Court and the same is pending.

5. Since Section 113C of the said Act itself is not in existence, the prayer made in this writ petition cannot be granted as of now. In view of the above, we are not inclined to entertain the writ petition at present.

6. The writ petition is dismissed. However, the issue is kept open to be agitated at appropriate time, if an occasion arises. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
27.04.2026

Index : Yes/No
Neutral Citation : Yes/No
bbr



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To:

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- 1.The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development
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Secretariat, Chennai-600 008
- 2.The Member Secretary,
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THE HON'BLE CHIEF JUSTICE
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