

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.31355 of 2014

J.Saritha

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. By its Secretary to Government
Municipal Administration and Water Supply Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Town and Country Planning
807, Anna Salai, Chennai 600 002.
3. The Vellore Local Planning Authority
rep. By its Member Secretary
No.239, Phase-2
Sathuvachari, Vellore 632 009.
4. The Commissioner
Vellore Corporation
Vellore.
5. The District Collector
Vellore.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorarified mandamus to call for the records on the file of the respondents relating to the impugned order of the 3rd respondent dated 14/11/2014 in Na.Ka.No.672/2014/Ve.U.Thi.Ku. and quash the same and consequently direct the third respondent to consider the application submitted by the petitioner for planning permission for putting up of a commercial building - professional consulting building in her property comprised in T.S.No.178/2, North Vellore (vada Vellore), Block No.3, Ward No.1 of Vellore Municipal Corporation, Vellore Taluk, Vellore District.

For Petitioner

: Mr. Bharatha Chakravarthy for
M/s Sai Bharth and Ilan

For Respondents : Mr.S.Gunasekaran - R1, 2 &5
Government Advocate

Ms.P.Shanthi - R3 & R4

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr. Bharatha Chakravarthy, learned Counsel appearing for the petitioners, Mr.S.Gunasekaran, learned Government Advcoate, appearing for R1, R2 & R5 and Ms.P.Shanthi, learned counsel for R3 & R4.

3.The petitioner has filed this Writ Petition praying for quashing the order of the third respondent dated 14/11/2014 and to direct the third respondent to consider the application submitted by her for planning permission for putting up of a commercial building - professional consulting building in her property comprised in T.S.No.178/2, North Vellore (vada Vellore), Block No.3, Ward No.1 of Vellore Municipal Corporation, Vellore Taluk, Vellore District.

4.It is not in dispute that the order in question is a sale of property of the petitioner and she having acquired the same by virtue of the settlement deed executed in her favour on 26.3.2014 and registered as Doc. No.3667/14, on the file of the Sub- Registrar, Vellore. The only reason stated in the impugned order is that as the land is required for expansion of the Bus Stand, the Planning permission application cannot be processed.

5.It is to be pointed out that earlier writ petitions were filed before this Court in W.P.Nos.47767 of 2006 etc. batch, wherein challenge was made to the proceedings issued by the Vellore Municipality dated 26.7.2002, stating that no document should be registered in respect of the land in question as the same was required for construction of Bus Stand. The said writ petitions were allowed by order dated 17.3.2008 and thereafter it appears that Bus Stand has been formed.

6.In this Writ Petition, counter affidavit has been filed by the respondents stating that there was an announcement made during Collector's Conference in 2012, regarding expansion of Vellore Bus Stand, and the Commissioner of Municipal Administration, Chennai, has appointed a private consultant for preparation of feasibility report and said report is awaited.

7. Even as per the counter, the announcement was made in 2012 and nearly 21/2 years has lapsed, but nothing has fructified. In any event, the petitioner being the absolute owner of the property, the embargo placed by the Municipal Corporation is wholly without any justification. Accordingly, the impugned order is held to be illegal and unsustainable in law.

8. In the result, the Writ Petition is allowed, the impugned order is set aside and the respondents are directed to consider the petitioner's application for planning permission in accordance with law and pass a reasoned order on merits, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

rpa

Sub Assistant Registrar

To

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St. George, Chennai 600 009.
2. The Commissioner of Town and Country Planning,
807, Anna Salai, Chennai 600 002.
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Vellore.
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Vellore.

+1cc to M/s. Sai Bharath and Ilan, Advocate, S.R.No.11893

MSM(CO)
CA(17/03/2015)

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