

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.12474 of 2015
and
M.P. No.1 of 2015

G. Ranganayaki

... Petitioner

vs.

1. The Executive Engineer, Zone VIII
Corporation of Chennai
Town Planning Approval Section
No.36-G Pulla Avenue
Shenoy Nagar Chennai 600 030
2. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003
3. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the impugned letter dated 06.03.2015 under Reference No.PPA/WDCN08/00572/2015 and to quash the same and consequently, direct the first respondent to receive and continue to process the petitioner's application of Planning Permission for additional construction at II floor portion by making local inspection of the 2nd floor portion by removing the lock and seal at the petitioner's building bearing Door No.3362/1, AE Block, 8th Street, 11th Main Road, Anna Nagar, Chennai 600 040 in accordance with law.

For petitioner : Mr. A. Thayaparan

For RR 1 & 2 : Ms. Karthikaa Ashok
Standing Counsel

For R3 : Mr. K. Raja Shrinivas
Standing Counsel

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Ms. Kaarthika Ashok, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed challenging the letter dated 06.03.2015 addressed by the first respondent by which the petitioner's application seeking planning permission has been returned un-considered on the ground that the petitioner has not complied with certain direction. By this writ petition, the petitioner further seeks a direction to the first respondent to receive and continue to process her application of Planning Permission for additional construction at II floor portion by making local inspection of the second floor portion by removing the lock and seal at her building bearing Door No.3362/1, AE Block, 8th Street, 11th Main Road, Anna Nagar, Chennai 600 040, in accordance with law.

3. The learned counsel for the petitioner submits that after removal of the deviated portion and unauthorised construction, the petitioner may be permitted to make a fresh application for further approval to construct other floors.

4. In that event, there should not be any difficulty for the authorities to consider the petitioner's application. If it is required to de-seal and open the lock for the purpose of removal of deviation and also unauthorised construction, the authorities shall consider granting permission and also ensure that the needful is done within a specified period. Thereafter, a fresh inspection can be made to ensure whether the petitioner's premises is in accordance with the approval granted or not. In the event, the premises in question has

been restored to a reasonable approval, there may not be any requirement to take any further action under law.

5. The writ petition stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

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Egmore, Chennai 600 008

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.23189
+1cc to Mr.Karthikaa Ashok, Advocate, S.R.No.22834

MSM(CO)
CA(05/05/2015)

W.P. No.12474 of 2015

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