

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

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

W.P. No.13038 of 2015

Rajeswari

Petitioner

Vs.

- 1 The State of Tamil Nadu  
represented by its Secretary  
Housing and Urban Development Department  
Chennai 600 009
- 2 Chennai Metropolitan Development Authority  
represented by its Member Secretary  
Thalamuthu Natarajan Maligai  
No.1, Gandhi Irwin Road  
Egmore, Chennai 600 008
- 3 The Commissioner  
Chennai Corporation  
Chennai 600 003
- 4 The Commissioner  
Alandur Municipality  
Alandur  
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 31.03.2015 and pass orders, taking into consideration, the deemed approval under the District Municipalities Act/Chennai Municipal Corporation Act.

For petitioner Mr. R. Subramanian  
For R1 Mr. P.S. Sivashanmugasundaram  
Special Government Pleader  
For R2 Mr. K. Raja Srinivas  
Standing Counsel  
For RR 3 & 4 Ms. Karthikaa Ashok  
Standing Counsel  
- - - -

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the first respondent. Mr. K. Raja Srinivas, learned Standing Counsel, takes notice for the second respondent. Ms. Karthikaa Ashok, learned Standing Counsel, takes notice for respondents 3 and 4. 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 The petitioner, claiming to be the absolute owner of the property situated T.S. No.326, Ward C, Block No.2 at Door No.14/10, Muthamil Street, B.V.Nagar, Nanganallur, Chennai 600 114, has made an application on 11.06.2014, seeking exemption under Section 113 of the Tamil Nadu Town and Country Planning Act, 1971, which is evident from the communication dated 21.07.2014 addressed by the Government to the Chennai Metropolitan Development Authority, seeking remarks. The communication has been issued by the Government, as no order, after consideration, has been passed by the authorities. Thereafter, one more representation by way of reminder was sent by the petitioner on 31.03.2015 and that is also pending consideration without any action on the part of the Government. Thus, this writ petition for a direction to the respondents 1 and 2 to pass orders on the petitioner's representation dated 31.03.2015, which was submitted seeking to consider and pass orders on the aforestated application dated 11.06.2014.

3 Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, appearing for the first respondent, would submit that the petitioner's pending application as well as the representation, as aforestated, shall be considered expeditiously, in accordance with law and on their own merits and appropriate orders would be passed in the matter.

4 In such view of the matter, no further adjudication is necessary, except directing the respondents 1 and 2 to take action on the petitioner's aforestated application as well as representation and pass orders on the same, in accordance with law and on their own merits, within a period of six weeks from the date of receipt of a copy of this order. It is ordered accordingly.

5 The writ petition stands disposed of with the above direction. Costs made easy.

s/d-  
Assistant Registrar( V )

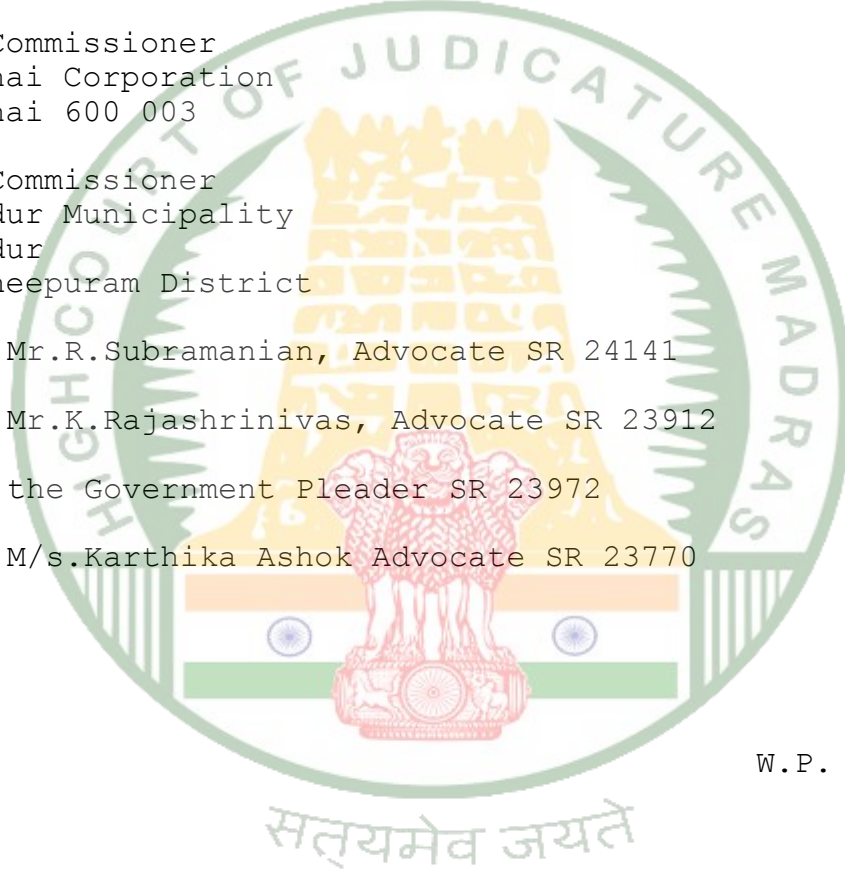
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Sub-Assistant Registrar

To

- 1 The Secretary  
State of Tamil Nadu  
Housing and Urban Development Department  
Chennai 600 009
  - 2 The Member Secretary  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Maligai  
No.1, Gandhi Irwin Road  
Egmore, Chennai 600 008
  - 3 The Commissioner  
Chennai Corporation  
Chennai 600 003
  - 4 The Commissioner  
Alandur Municipality  
Alandur  
Kancheepuram District
- + 1 cc to Mr.R.Subramanian, Advocate SR 24141  
+ 1 cc to Mr.K.Rajashrinivas, Advocate SR 23912  
+ 1 cc to the Government Pleader SR 23972  
+ 1 cc to M/s.Karthika Ashok Advocate SR 23770

sai(co)  
prk11/5



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