

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM:

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

W.P. No.32250 of 2014
and
M.P. No.1 of 2014

S. Ramesh Kumar

... Petitioner

Vs.

1. The Secretary /
Deputy Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Secretariat Building
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore Chennai 600 008
3. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003
4. The Executive Engineer
Zone - 8, Corporation of Chennai
Kilpauk Chennai 600 010

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the impugned Letter No.18246/UD-VI(2)/2013-8 dated 19.06.2014 of the first respondent and quash the same as null and void and consequently direct the first respondent by strictly complying with the provisions of G.O. (3D) No.4 dated 02.02.2010 of Housing and Urban Development (UD)-V Department without any discrimination so as to approve the necessary sanction for the building plan application already submitted on 30.12.2011 with

reference to the final order in W.P. No.25605 of 2013 dated 28.11.2013 within a stipulated period.

For petitioner : Mr. G. Thangavel

For R1 : Mr. P.H. Arvinth Pandian
Addl. Adv. General
assisted by Mr. N. Sakthivel
Government Advocate

For R2 : Mr. N. Sampath, Standing Counsel

For RR 3 & 4 : Mr. A. Nagarajan, Standing Counsel

ORDER

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

This writ petition is filed challenging Letter No.18246/UD-VI(2)/2013-8 dated 19.06.2014 of the first respondent and to direct the first respondent to strictly comply with the provisions of G.O. (3D) No.4, Housing and Urban Development (UD-V) Department dated 02.02.2010 without any discrimination so as to approve the necessary sanction for the building plan application already submitted by the petitioner on 30.12.2011 with reference to the final order in W.P. No.25605 of 2013, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Additional Advocate General appearing on behalf of the first respondent-State submitted that the first respondent may be permitted to re-consider the letter dated 19.06.2014, which is impugned herein and pass a fresh order in the light of the direction issued by this Court vide order dated 25.03.2015 in reference of one S.Swaminathan, whose appeal as against the order passed by the Member Secretary of the Chennai Metropolitan Development Authority, has been allowed by the Government.

3. In view of the aforesaid submission made by the learned Additional Advocate General, the impugned letter dated 19.06.2014 issued by the first respondent is set aside, granting liberty to consider the matter afresh and pass appropriate orders in accordance with law and on its own merits within a period of six weeks from the date of receipt of a copy of this order. It is further directed that the lock and seal in respect of the petitioner's property in question shall be removed within a period of three days.

4. Resultantly, the writ petition stands disposed of with the above directions. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary /
Deputy Secretary to Government of Tamil Nadu
Housing and Urban Development Department
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Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
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3. The Commissioner
Corporation of Chennai
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Chennai 600 003
4. The Executive Engineer
Zone - 8, Corporation of Chennai
Kilpauk
Chennai 600 010

+1cc to Mr.N.Sampath, Advocate, S.R.No.20637
+1cc to Mr.G.Thangavel, Advocate, S.R.No.20497
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.20531
+1cc to the Government Pleader, S.R.No.21053

W.P. No.32250 of 2014
and M.P.NO.1 of 2014

SVI (CO)
CA(24/04/2015)