

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.2606 of 2015

.....

Mrs. N. Syamala Devi

.. Petitioner

Vs

1 The Principal Secretary to
Government of Tamilnadu,
Housing and Urban Development
Department, Secretariat,
Chennai - 600 009.

2 The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai 8.

3 The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 3.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent culminated in G.O.(3D) No.54 Housing and Urban Development (UD-V)Department dt 5.12.2014 and the quash the same and to issue necessary direction to the 2nd and 3rd respondents to reconsider the application dt 5.6.2012 of the petitioner for Planning Permission relating First Floor of the building at Q-100-A, MMDA Colony, Arumbakkam, Chennai 106, in view of the plots allotted under Sites and Services Scheme (Funded by World Bank) of Tamilnadu Housing Board, Arumbakkam, Chennai 106.

For respondents :: Mr.P.S.Sivashanmugasundaram
 Spl. Govt. Pleader - R1
 Mr. N. Sampath - R2
 Mr. G. Anantharangan - R3

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

The grievance of the petitioner is that the appeal preferred by her has been disposed of by the impugned order dated 05.12.2014, without complying with the order dated 18.6.2014 passed by this Court in A. Jayakumar - Vs. - The Government of Tamil Nadu and others in WP No. 913 of 2013, in an identical circumstance.

2. This Court has clearly observed in the aforesaid order that the petitioner therein is entitled to a copy of the recommendations of the monitoring committee and that he be afforded an opportunity of hearing to submit his response.

3. The learned Senior Counsel appearing for the petitioner submits that the complete recommendations of the monitoring committee has not been furnished to the petitioner and as such, a direction may be issued to furnish a copy of the complete recommendations of the monitoring committee with liberty to the petitioner to submit her response to the same and thereafter, a fresh order on merits may be passed.

4. The case of the first respondent is that the extract of the recommendations have been supplied and as such, no prejudice is caused to the petitioner.

5. The furnishing of the 'extract' only as pleaded by the learned counsel for the first respondent may not suffice to comply with the requirement of affording an opportunity of hearing, as we have observed earlier in A.Jayakumar (supra) that the petitioner therein was held as entitled to a copy of the recommendations of the monitoring committee. Thus, the supply of complete set of recommendations is necessary.

6. Considering the above facts and circumstances of the case and in view of the earlier decision of this Court in W.P.No.32546 of 2013, the order impugned is hereby set aside. The first respondent shall furnish a copy of the complete recommendations of the monitoring committee within a period of two weeks from the date of receipt of a copy of this order and thereafter, the petitioner is given two weeks to submit her response to the same. Thereafter, the

first respondent is directed to pass appropriate orders on consideration of the materials available before him, including the recommendations of the Monitoring Committee as well as the petitioner's response, within a period of eight weeks.

7. This writ petition is allowed with the above directions.
No costs.

s/d-
Assistant Registrar(CS-III)
Dt:1/4/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Principal Secretary to
Government of Tamilnadu,
Housing and Urban Development
Department, Secretariat,
Chennai - 600 009.
- 2 The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai 8.
- 3 The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 3.

+ 1 cc to Mr.K.Sudalikannu, Advocate SR 17300

+ 1 cc to Mr.G.Anantharangan, Advocate SR 17392

scd(co)
prk1/4

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