

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-12-2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION No.5251 OF 2015

S.Ramesh

...Petitioner

-vs-

1. Chennai Metropolitan Development Authority,
rep.by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

2. Corporation of Chennai,
rep.by its Commissioner,
Rippon Buildings,
Chennai-3.

3. Tamil Nadu Housing Board,
rep.by its Chairman/Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai-35.

...Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 and 2, to receive, process and consider the application of the petitioner, for grant of planning permission, for the proposed construction at Plot No.2, Door No.9A/2, comprised in Survey No.36/1A, Suresh Nagar, Poothapedu Main Road, Zone No.11, Ward No.151, Porur Village, Saidapet Taluk, Chennai-600 116, in accordance with law, more particularly, without insisting on production of "No Objection Certificate", from the third respondent, expeditiously.

For petitioner : Mr.D.S.Rajasekaran

For respondent 1 : Mr.Raja Srinivas

For respondent 2 : Mr.P.V.Selvakumar

For respondent 3 : Mr.V.Ananthamurthy

O R D E R

Petitioner has filed this Writ Petition, praying for a direction to respondents 1 and 2, to receive, process and consider his application, for grant of planning permission, for the proposed construction at Plot No.2, Door No.9A/2, comprised in Survey No.36/1A, Suresh Nagar, Poothapedu Main Road, Zone No.11, Ward No.151, Porur Village, Saidapet Taluk, Chennai-600 116, in accordance with law, without insisting on production of "No Objection Certificate", from the third respondent, expeditiously.

2. Heard the learned counsel for the parties, who agreed, that the legal issue involved in this Writ Petition is identical to the one, which was considered by a Hon'ble Division Bench of this Court in W.A.No.1694 of 2010 and its batch, dated 01.11.2011, in the case of Tamil Nadu Housing Board v. AL.Arumugam and Others.

3. In the said batch of cases, the Hon'ble Division Bench disposed of the Writ Appeals, by issuing the following directions :

"9. Hence, for the disposal of these writ appeals, we only direct the Chennai Metropolitan Development Authority to consider the application of each of the writ petitioners for planning permission without insisting "No Objection Certificate", from the Tamil Nadu Housing Board. But, in the said process, the Chennai Metropolitan Development Authority would be entitled to satisfy itself as to whether the lands in survey numbers, for which planning permission is sought, are already covered by the G.Os., which were quashed by this Court or not. To arrive at such a satisfaction, the authorities of Chennai Metropolitan Development Authority are also entitled to take the assistance of the Tamil Nadu Housing Board by due notice. On such satisfaction, the Chennai Metropolitan Development Authority would consider the grant of planning permission without insisting for 'No Objection Certificate'.

10. All the writ appeals are disposed of with the above direction. We are making it clear that we are not deciding the question as to whether the survey numbers in question are covered by the G.Os., which were quashed by this Court. No costs. Consequently, all the connected miscellaneous petitions are closed."

4. Learned counsel for the respondents have agreed for similar directions being passed in this Writ Petition as well.

5. Accordingly, this Writ Petition is disposed of, in the light of the abovesaid directions, issued in W.A.No.1694 of 2010 and its batch, dated 01.11.2011, by the Hon'ble Division Bench, referred to supra, and the Chennai Metropolitan Development Authority shall act in accordance with the said directions, as expeditiously as possible. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.
Dixit

Sd/-
Assistant Registrar (CO)

/True Copy/

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
3. The Chairman/Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai - 600 035.

+1 C.C. To MR.D.S.Rajasekaran, Advocate in SR.NO.67753

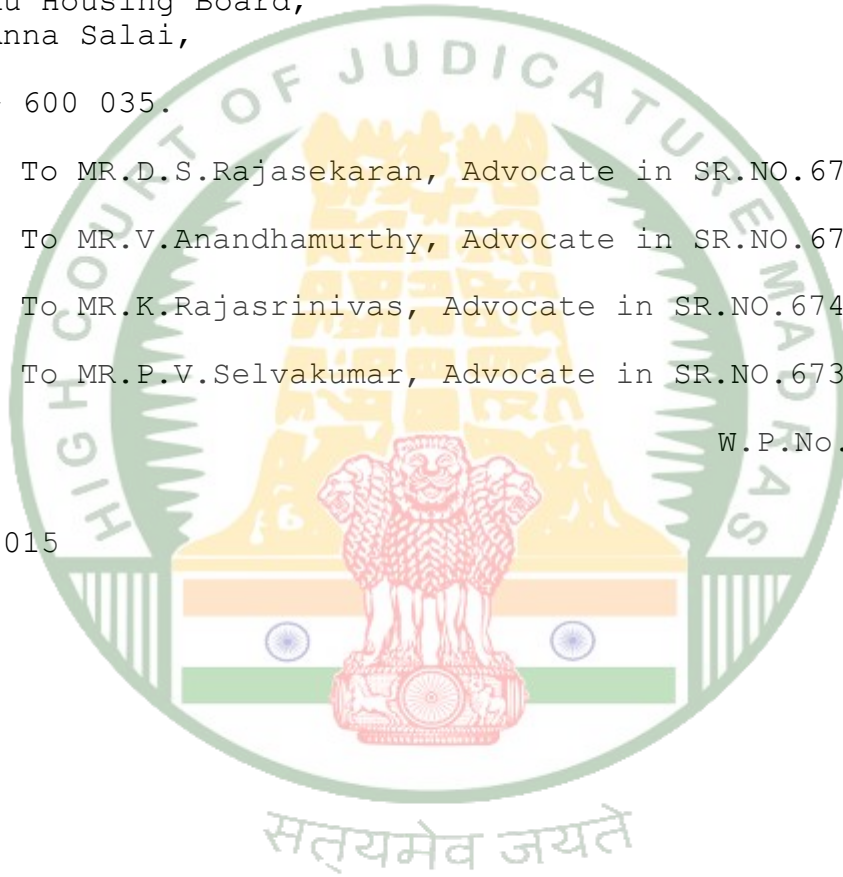
+1 C.C. To MR.V.Anandhamurthy, Advocate in SR.NO.67481

+1 C.C. To MR.K.Rajasrinivas, Advocate in SR.NO.67435

+1 C.C. To MR.P.V.Selvakumar, Advocate in SR.NO.67326

W.P.No.5251 OF 2015

KJI (CO)
sd : 23/12/2015



WEB COPY