

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-03-2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

WP No. 5868 of 2015

V. Karthikvelan

.. Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai - 600 008
3. The Commissioner
Kundrathur Panchayat Union
Padappai
Chennai - 602 301

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the first respondent to dispose of the petitioner's appeal petition dated 13.12.2013 pending in file No.26387/UD-VI (1)/2013 filed against the order dated 11.12.2013 made in Rc.No.5513/2013/A3 passed by the third respondent, within the time frame to be fixed by this Court.

For Petitioner : Mr. N. Manokaran
For Respondents : Mr. D. Suriyanarayanan
Government Advocate for RR1 and 3

No appearance for R2

ORDER

Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 and 3.

2. The petitioner claims to be the owner of the land comprised in Survey No.26/2 measuring 49 cents in Kerugambakkam Village, Sriperumbadur Taluk, Kancheepuram District on the basis of a settlement deed dated 13.09.2012 executed by her mother in his favour. The petitioner submitted a petition dated 13.11.2013 before the third respondent seeking approval for construction of a residential building. The third respondent, by a communication dated 11.12.2013 called upon the petitioner to pay a sum of Rs.53.95 lakhs towards open space reservation charges as a condition precedent for granting approval. According to the petitioner, as

per the regulations in force, the petitioner is only liable to pay Rs.19.18 lakhs and not Rs.53.35 lakhs as demanded by the third respondent. Therefore, the petitioner preferred an appeal dated 13.12.2013 before the first respondent and it is pending without any orders being passed. Therefore, the petitioner has come forward with this writ petition.

3. The learned Government Advocate appearing for the respondents 1 and 3 would submit that eight weeks time may be granted to enable the first respondent to dispose of the appeal preferred by the petitioner.

4. Having regard to the above submission of the learned Government Advocate appearing for the respondents 1 and 3, without expressing any opinion on merits, the first respondent is directed to consider the appeal preferred by the petitioner on 13.12.2013, on its own merits and in accordance with law after giving an opportunity of hearing to the petitioner and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
The State of Tamil Nadu
Housing and Urban Development Department
Secretariat, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore
Chennai - 600 008
3. The Commissioner
Kundrathur Panchayat Union
Padappai
Chennai - 602 301.

1 cc to Mr. D. Suriyanarayanan, Advocate, SR.No.17071
1 cc to Government Pleader, Sr.No16674

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ggk(co)

21.3.2015

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