

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.9989 of 2015

P.Anandhavalli

.. Petitioner

Vs

1. The Joint Commissioner,
Regional Office (South),
No.115, Dr.Muthulakshmi Road,
Adyar, Chennai-600 020.

2. The Executive Engineer,
Town Planning Approval Section,
Regional Joint Commissioner, South,
Corporation of Chennai,
No.115, Dr.Muthulakshmi Road,
Adyar, Chennai-600 020.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus calling for the records relating to the letter dated 26.02.2015 in Va.Aa.Thay.Na.Ka.No.A17/1432/2015 of the first respondent herein and proceedings dated 9.10.2014 in WDC No.TP.PPA/WDCN 14/06407/2014 of the second respondent herein and quash the same and consequently, direct the respondents 1 and 2 herein to grant planning permission in accordance with the application of the petitioner for constructions in plot No.1B, Survey No.616/1A1B1 part, Pallikaranai Village, Sholinganallor Taluk, Kancheepuram District.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
for M/s.A.L.Gandhimathi

For Respondents : Mr.P.V.Selvakumar

ORDER

Heard Mr.A.R.L.Sundaresan, learned Senior Counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel for the respondents.

2.The petitioner seeks for issuance of writ of Certiorarified Mandamus to quash the impugned communication dated 26.02.2015 and 09.10.2014 and for a direction to the respondents to grant planning permission in accordance with the petitioner's application for construction in Plot No.1B .

The reason for rejection of the petitioner's application for planning permission is on the ground that the proposed site, namely, plot No.1B was an unauthorized sub division made after 31.12.1989 from a larger extent (i.e. above 97 cents) and the same was violating the Development Regulations.

3.The petitioner while submitting her representation to the Hon'ble Chief Minister with copies marked to the respondents, has taken a stand that the total extent of 9600 sq.ft. was sub divided into four plots, namely 1A, 1B, 1C and 1D by the proceedings of Pallikaranai Town Panchayat in P.P./C 49569/340/2009 dated 06.02.2009 and DIS No.81/09 dated 13.02.2009 and one among the sub divided plot owner, who is neighbouring plot owner of Plot No.1A, had applied for planning permission after the said area had been annexed to the limits of Chennai Corporation and the Chennai Corporation vide proceedings dated 10.12.2013 in planning approval T11639/2013 and building plan approval T8124/2013, has granted planning permission for construction of a two storied building. However, when the petitioner applied for planning permission for construction, the same has been returned/rejected.

4.In the light of the above stand taken which has not been rebutted by the respondents by way of counter affidavit in spite of direction issued by this Court while ordering notice of motion dated 07.04.2015, this Court is inclined to direct the respondents to consider the petitioner's planning permission application in the light of the aforesaid stand taken.

5.Accordingly, the writ petition is allowed and the impugned order is quashed and the first respondent is directed to consider the petitioner's planning permission application, in the light of the approval said to have been granted in respect of Plot No.1A in T11639/2013, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

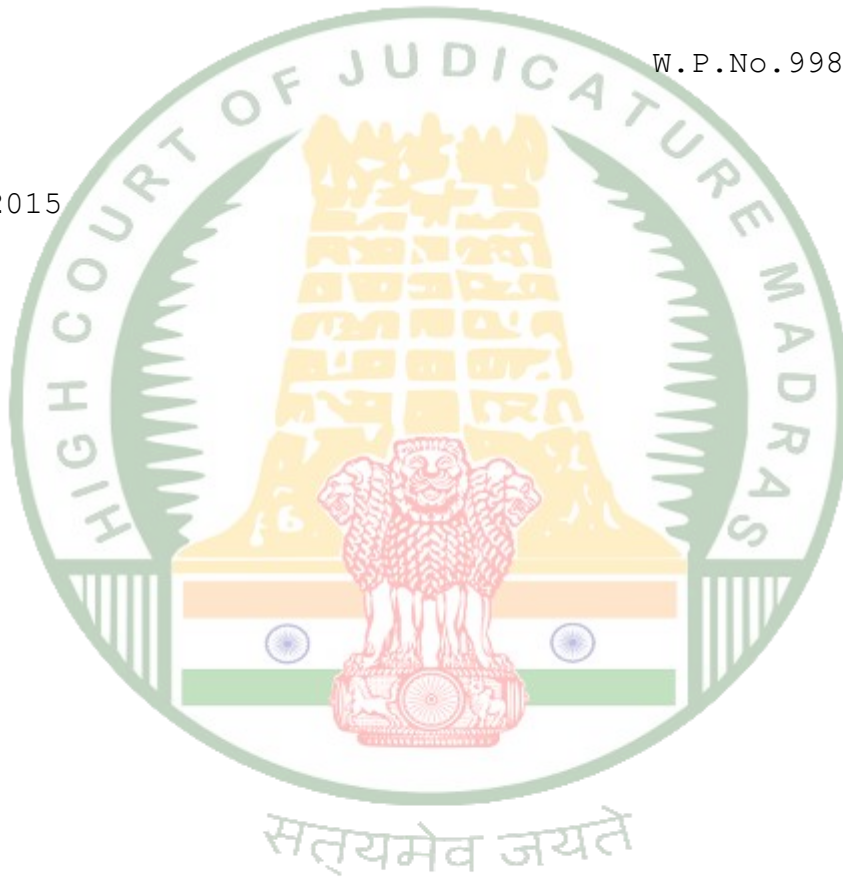
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+1 CC to MR.P.V.Selvakumar Advocate. SR.NO. 64524
+2 CC to M/s.A.L.Gandhimathi Advocate. SR.NO. 64464

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CO-RSI
JD 09/12/2015



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