

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

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

W.P. No.10771 of 2016 and
W.M.P. No.9424 of 2016

P. Santhilal Petitioner
vs.

- 1 The Member Secretary
Chennai Metropolitan
Development Authority
Egmore, Chennai 600 008
- 2 The Executive Engineer
Thirumazhisai Town Panchayat
Thirumazhisai, Chennai 600 124
- 3 Sabapathy Chettiar Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass appropriate orders on the petitioner's representation dated 02.03.2016, forwarded by the second respondent in Na.Ka. No.75/2013/A1 dated 02.03.2016 seeking for revised plan approval, in respect of the superstructure put up by the petitioner at Door No.2, Bajanai Kovil Street, Udayarkoyil Village, Tirumazhisai Town Panchayat, Thiruvallur District comprised in Old Survey No.182/6, New Survey No.295/9, measuring an extent of 2,145 sq. ft. within a reasonable time.

For petitioner Mr. N. Anand Venkatesh
For R1 Mr. N. Sampath, Standing Counsel
For R2 Mrs. A. Srijoyanthi
Special Government Pleader

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sampath, learned Standing Counsel, accepts notice for the first respondent. Mrs. A.Srijoyanthi, learned Special Government Pleader, accepts notice for the second respondent. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the

official respondents, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner's case before us is that pursuant to the stop work notice/notice calling for approved plan dated 16 February 2016 issued under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, he has stopped construction. Thereafter, he made a representation to the second respondent on 22 February 2016 undertaking that he would not proceed with further construction, till the plan is regularised under special permission and also requesting the authority to consider his requisition of undertaking and pass suitable orders. Followed by the said representation, he made an application on 02 March 2016 to the second respondent, seeking approval of revised plan, which has been forwarded by the second respondent to the first respondent on the same day itself. It is further submitted that the premises in question shall not be put to any use whatsoever before appropriate permission is granted and in fact, the petitioner has already stopped making construction fully.

3 The learned Standing Counsel for the first respondent submits that appropriate decision on merits and in accordance with law, will be taken within a period of four weeks. In the meantime, the authorities will have supervision of the building in question to ensure that no work is undertaken and also it is not put to any use.

In such view of the matter, we dispose of the writ petition directing the first respondent to take a decision on the petitioner's application within a period of four weeks, on its own merits and in accordance with law and thereafter, to take further consequential action, if need be. No costs. Connected W.M.P. is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

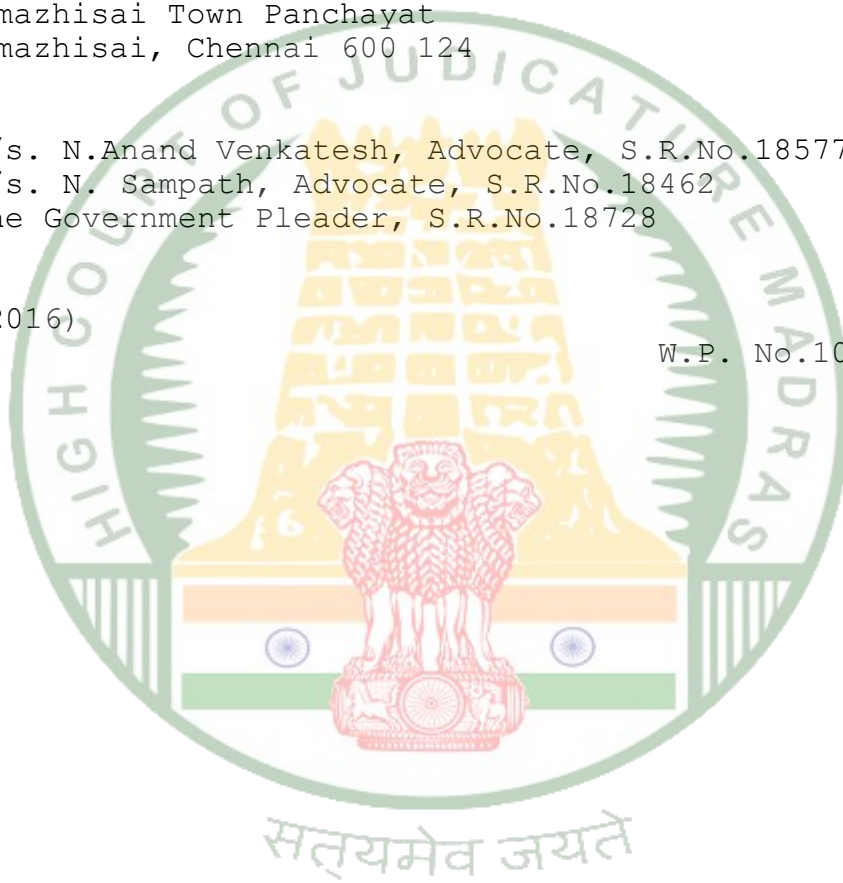
1 The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai 600 008

2 The Executive Engineer
Thirumazhisai Town Panchayat
Thirumazhisai, Chennai 600 124

+1cc to M/s. N.Anand Venkatesh, Advocate, S.R.No.18577
+1cc to M/s. N. Sampath, Advocate, S.R.No.18462
+1cc to the Government Pleader, S.R.No.18728

SNS (CO)
EU (29/03/2016)

W.P. No.10771 of 2016



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