

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

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

W.P. No.12672 of 2016 and W.M.P. Nos.11037 and 11038 of 2016

1 Bhagirathan
2 B. Girish Petitioners

Vs.

1 The Secretary,
Department of Housing and Urban Development,
Fort St. George,
Chennai 600 009.
2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Chennai 600 008.
3 The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to impugned proceedings of the first respondent dated 16.12.2015 in letter No.21904/UD-VI(2)/2015-3 passed in the appeal filed by the petitioners dated 15.10.2015 and quash the same insofar as it directs the petitioners to complete the rectification work within a period of 3 months and not to occupy the subject property situated at New No.301, Old No.145, Thambu Chetty Street, Chennai 600 001 and consequentially, further direct the respondents to extend the time for rectification by a period of 6 months and in the mean time, permit the petitioners to occupy the subject property at New No.301, Old No.145, Thambu Chetty Street, Chennai 600 001 by providing electricity, water and sewage connection, pending carrying out of the rectification works, as directed in the impugned order.

For petitioners :Mr. S. Prabhakaran, Sr. Counsel
for Mr. Venkatesh Mohanraj

For R1 :Mrs. T.T. Girija, Government Advocate

For R2 :Mr. C. Johnson, Standing Counsel

For R3 :Mr. A. Nagarajan, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, Mr. C. Johnson, learned Standing Counsel and Mr. A. Nagarajan, learned Standing Counsel, accept notice for respondents 1 to 3, respectively. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed calling in questioning the legality and validity of the order dated 16 December 2015 passed by the first respondent.

3 The aforesaid order was passed by the first respondent in the application dated 15 October 2015 preferred by the petitioners under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971, assailing the notice calling for approved plan dated 04 May 2015 issued by the second respondent. In the impugned order, while accepting the applicants' request for de-sealing the premises in question for the purpose of removal of setbacks and deviations, the first respondent directed the petitioners to carry out corrective measures and thereafter, submit a plan. Further, the second respondent was directed to de-seal the premises to enable the petitioners to do the needful.

4 According to the learned Senior Counsel for the petitioners, on de-sealing of the premises, the process of removal of deviations and setbacks had already begun, however, the same could not be completed on account of certain difficulties. Hence, some more time be granted to the petitioners to carry out the directions issued by the first respondent vide the impugned order.

5 In response, the learned Standing Counsel for the second respondent, fairly submits that four weeks time may be granted to the petitioners to complete the process, already initiated by the petitioners.

6 In view of the above submissions made by the learned Senior Counsel for the petitioners and the learned Standing Counsel for the second respondent, we grant four weeks time from today, to the petitioners, to complete the entire exercise, as directed by the first respondent in the impugned order.

The writ petition stands disposed of with the above direction. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary,
Department of Housing and Urban Development,
Fort St. George,
Chennai 600 009.
- 2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Chennai 600 008.
- 3 The Commisisoner,
Corporation of Chennai,
Ripon Buildings,
Chennai.

+1cc to M/S.C.Johnson, Advocate, S.R.No.21980
+2cc to M/S.Venkatesh Mohanraj, Advocate, S.R.No.21784
+1cc to M/S A.Nagarajan, Advocate SR.21648

W.P. No.12672 of 2016

sns (CO)
srg (06/04/2016)