

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.13497 of 2016
and WMP.Nos.11843, 11844 and 19102 of 2016

M/s.R.R.P.Housing Private Ltd.,
Rep. By its Managing Director
N.Padmanabhan ...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. By its Deputy Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-600 009

2.The Deputy Director
O/o The Deputy Director of Town &
Country Planning
Chengelpet Division
No.124, G.S.T.Road
Chengelpet-603 001

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order made in letter No.21033/UD4(1)/2015 dated 15.02.2016 passed by the 1st respondent in confirming the orders made in Na.Ka.No.1693/2015/Sa.Ma.3 dated 02.09.2015 and Na.Ka.No.1693/2015/Sa.Ma.3 dated 23.09.2015 issued by the 2nd respondent holding that petitioner's construction in the layout are unauthorised and the consequential order made in Na.Ka.No.1693/2015/Sa/ma/3 dated 15.03.2016 passed by the 2nd respondent and quash the same and forbear the respondents from any manner interfering with the petitioner's right to put up construction in the property more particularly described in the schedule of property attached to the writ petition.

For Petitioner : Mr.G.Ethirajulu

For respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Govt.Pleader

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard Mr.G.Ethirajulu, learned counsel for the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing for the respondents.

2. This writ petition is filed challenging the order passed by the 2nd respondent dated 15.03.2016, wherein, the appeal preferred by the petitioner was rejected in respect of construction of building at S.No.156/1C, 1B, 1A2, 1A4 and 1A9 of Kannivakkam Village, Chengalpattu Taluk, under Section 80A(3) of the Local Planning Authority, Chengalpet Division.

3. Learned counsel for the petitioner would contend that respondents 1 and 2 have invoked the provisions of Tamil Nadu Town and Country Planning Act, even without issuing notice to the owners and providing a reasonable opportunity to prove that the building was under construction in accordance with the approved building plan by Perumattu Nallur Panchayat and therefore the impugned order is not sustainable. He further seeks one more opportunity to be given to the petitioner to put forth their case before the authorities concerned.

4. Taking into consideration the averments made in the writ petition and the submission of the learned counsel for the petitioner, the matter is remanded back to the 2nd respondent/Appellate Authority. It is for the petitioner to appear before the Appellate Authority on 06.09.2016 and the Appellate Authority/2nd respondent, is directed to hear the matter once again and after considering all the contentions put forth before him, pass appropriate orders in accordance with law. It is open to the petitioner to substantiate his claim by producing genuine documents and plan approval.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The State of Tamil Nadu
Rep. By its Deputy Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai-600 009

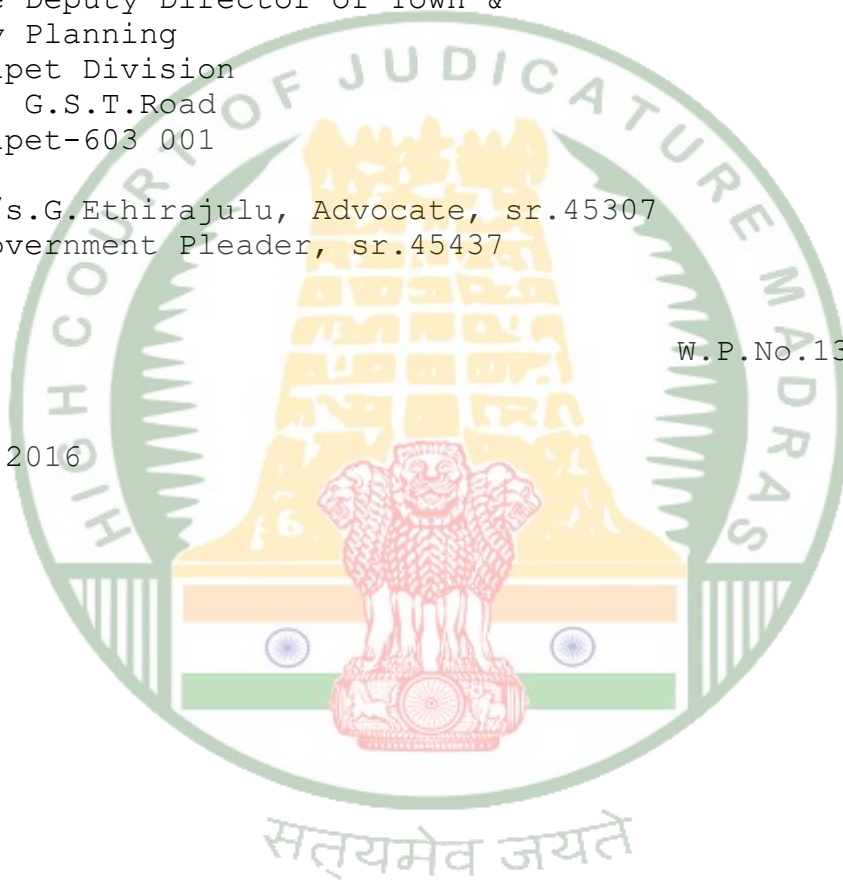
2.The Deputy Director
O/o The Deputy Director of Town &
Country Planning
Chengelpet Division
No.124, G.S.T.Road
Chengelpet-603 001

1 cc to M/s.G.Ethirajulu, Advocate, sr.45307

1 cc to Government Pleader, sr.45437

W.P.No.13497 of 2016

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