

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

W.P.No.14221 of 2016

A.Siddique .. Petitioner

Vs.

- 1.Govt. of Tamil Nadu
rep. by Secretary to Government,
Housing and Urban Development,
Secretariat, Chennai - 9.
- 2.Chennai Metropolitan Development
Authority rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider and pass orders in accordance with law, the application for interim direction in the Appeal under Section 113(A) (6) of The Town and Country Planning Act, 1971 dated 24.03.2016 expeditiously in accordance with law.

For Petitioner : Mr.D.S.Rajasekaran
For Respondents : Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.C.Johnson for R2

ORDER

(Order of the Court was made by M. VENUGOPAL, J.)

Heard both sides.

2.By consent, the main writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he is the owner of the building at Door No.1/509-A, Pallavaram, Thoraipakkam Radial Road, Okkiyam Thoraipakkam, Chennai - 97 and put up a construction of ground + 3 floor. The first respondent called for application under Section 113A of the Tamil Nadu Town and Country Planning Act, 1971 (for short 'the Act') for all the buildings structurally completed on or before 28.02.1999 but the same was not availed by him, as the fee was exorbitant. Subsequently, the regularisation fee was reduced and the petitioner applied under the said scheme and paid 10% of the self-assessed value. Pending the application, the second respondent affixed a lock and seal and demolition notice dated 09.11.2015 and locked the premises on 18.12.2015. In the said notice, it was informed that the application of the petitioner was rejected.

4.Being dissatisfied with the action taken by the second respondent, the petitioner had approached the first respondent and projected an appeal under Section 113 (A)(6) of the Act to examine the decision of the authority concerned. It appears that the said appeal is pending. Also the application for direction to de-seal the premises filed under Section 113(A)(6) r/w 79(5) of the Act is pending.

5.In view of the fact that the application for interim relief dated 24.03.2016 filed under Section 113(A)(6) r/w 79(5) of the Act with the Government is pending as on date and also the appeal filed is pending before the first respondent, this Court, without traversing upon the merits of the matter, simpliciter in the interest of Justice, Fair play, Equity, Good conscience and even as a matter of prudence, directs the First Respondent to take up the application for interim relief dated 24.03.2016 and to dispose of the same within a period of two weeks from the date of receipt of a copy of this order and also dispose of the pending Appeal dated 24.03.2016, within the statutory period prescribed under the Act. It is needless to make a second mention that the First Respondent is to provide adequate/enough opportunity to the petitioner and others concerned while arriving at a decision in the pending matter in direction/appeal and to pass a reasoned speaking order in qualitative and quantitative terms, that too, in an objective and dispassionate manner. It is open to the petitioner to raise all factual and legal pleas before the First Respondent.

6.With the aforesaid observations and directions, the writ petition stands disposed of. No costs.

mmi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat, Chennai - 9.
 - 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 8.
- + 1 cc to Mr.C.Johnson, Advocate Sr 24062
+ 1 cc to The Govt.Pleader, Sr 24225
+ 1 cc to Mr.D.S.Rajasekaran, Advocate Sr 23970

KR/25/4/16

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