

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

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

Writ Petition No.14888 of 2016
and connected WMP

1 The Secretary
Bhaktavatsalam Memorial Trust
No.14, 31st Street
Periyar Nagar
Korattur, Chennai-080 ...Petitioner

Vs.

1 The State of Tamil Nadu
Rep.by its Secretary
Department of Housing & Urban Development
Fort St.George, Chennai-600 009.

2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600 003.

3 The Chennai Metropolitan
Development Authority
Rep.by its Member Secretary
Thalamuthunatarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-008.

4 The Tamil Nadu Housing Board
Rep.by its Chairman
Nandanam, Chennai-600 035. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 3rd respondent Chennai Metropolitan Development Authority vide letter No. Reg. I&I/C7/12246/ 1999 dated 18.03.2016 refusing regularization of petitioner buildings (Ground Floor + 3 Floors at Plot No.596/A1 & A2 31st Street, Periyar Nagar and in Survey Nos.1041 part, 1044 part, 1256 part and 1257/1&2 part of Korattur Village Chennai) quash the same and further direct

the 3rd respondent Chennai Metropolitan Development Authority to pass orders of regularization of petitioner's said buildings within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel for
Mr.P.Godson Swaminath

For Respondents : Mr.P.S.Sivashanmuga Sundaram,
Spl.Govt.Pleader for R1
Mr.R.Arumugam for R2
Mr.C.Johnson for R3
Mr.V.Anandamurthy for R4

O R D E R

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

Heard the learned Senior counsel for the petitioner, the learned Special Government Pleader for the first respondent and the learned Standing counsel for respondents 2 to 4.

2. This Writ Petition is filed seeking to quash the proceedings of the 3rd respondent-Chennai Metropolitan Development Authority dated 18.03.2016, wherein, the petitioner's application for regularization of buildings was rejected.

3. After some arguments, the learned Senior Counsel appearing for the petitioner submits that the petitioner's petition under Section 113 (A) of the Town and Country Planning Act, 1971, is pending before the Corporation of Chennai, however, as per Section 113(A)(6) of Town and Country Planning Act, 1971 (hereinafter called as "Act") and Rule 8 of the Application, Assessment and Collection Regularization Fee Rules, 1999, as amended upon 24.04.2002, any person aggrieved by any orders passed under section 113(A)(1) r/w Rule 7 by any office or authority, may prefer an appeal to the Government, Housing and Urban Development Department. The learned Senior Counsel further submits that the petitioner has not filed appeal under Section 113(A) before the Government and as such prayed this court for a suitable direction on that aspect.

4. Considering the above facts and circumstances of the case, another one month time is granted from today to the petitioner to file appeal under Section 113(A) of the Act before the Government, as against the impugned order dated 18.03.2016. On filing of such appeal by the petitioner, the Government shall consider and pass appropriate orders, after affording sufficient opportunity to the petitioner. Till the disposal of the appeal

under Section 113(A) of the Act, parties are directed to maintain status quo as on date.

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

nvsri

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary, Department of Housing & Urban Development
Fort St.George, Chennai-600 009.
 - 2 The Commissioner, Corporation of Chennai
Ripon Building, Chennai-600 003.
 - 3 The Chennai Metropolitan Development Authority
Rep.by its Member Secretary, Thalamuthunatarajan Building
No.1, Gandhi Irwin Road, Egmore, Chennai-008.
 - 4 The Tamil Nadu Housing Board
Rep.by its Chairman, Nandanam, Chennai-600 035.
- + 1 cc to Mr.P.Godson Swaminath, Advocate Sr 33801
+ 1 cc to Mr.C.Johnson, Advocate Sr 33159
+ 1 cc to M/s.R.Arulmozhi, Advocate Sr 33743

KR/12/7/16

W.P.No.14888 of 2016

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