

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.14889 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 Mandamus directing the 3rd respondent Chennai Metropolitan Development Authority to consider petitioner's application dated 30.03.2016 for the plan approval at Survey Nos.1256/PT, 1257/1&2 PT, 1258/PT, Korattur Village, Ambattur Taluk, Thiruvallur District, Chennai-600 080 under Section 56(3) of Tamil Nadu Town and Country Planning Act 1971.

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

2. This Writ Petition is filed seeking a direction to the third respondent-CMDA, to consider the petitioner's application dated 30.03.2016 for the plan approval at Survey Nos.1256/PT, 1257/1&2 PT, 1258/PT, Korattur Village, Ambattur Taluk, Thiruvallur District, Chennai-600 080 under Section 56(3) of Tamil Nadu Town and Country Planning Act 1971 (hereinafter called as "Act").

3. In pursuant to the rejection order passed by the third respondent dated 18.03.2016 on the regularization application, the petitioner preferred an application under Section 56(3) of the Act, dated 30.03.2016 to the CMDA. Now, by way of present writ petition, the petitioner seeks a suitable direction to the 3rd respondent-CMDA to dispose of the said application dated 30.03.2016.

4. Considering the facts and circumstances of the case and also considering the submission made by both parties, the third respondent-CMDA is directed to consider and pass necessary orders on the application filed under Section 56(3) of the Act, after affording sufficient opportunity to the petitioner. Till the disposal of the said application dated 30.03.2016, status quo as on date shall be maintained by the parties concerned.

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
The State of Tamil Nadu
Department of Housing & Urban Development
Fort St.George, Chennai-600 009.
 - 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai-600 003.
 - 3 The Member Secretary
The Chennai Metropolitan Development Authority
Thalamuthunatarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-008.
 - 4 The Chairman
The Tamil Nadu Housing Board
Nandanam, Chennai-600 035.
- + 2 ccs to Mr.P.Godson Swaminath, Advocate Sr 33800, 33801
- + 1 cc to Mr.C.Johnson, Advocate Sr 33159

KR/12/7/16

W.P.No.14889 of 2016

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