

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.32853 of 2014

and

M.P.Nos.1 and 2 of 2014

M.D.Varadharajan

.. Petitioner

-vs-

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai,
Egmore, Chennai-600 008.
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-600 032. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records in connection with the impugned Letter No.BCI/8354/2014 dated 22.7.2014 of the second respondent and quash the same and consequently direct the respondents to consider planning permission afresh in the light of the fresh facts submitted before the second respondent.

For Petitioner : Mr.N.R.Chandran,
Senior Counsel for
Mr.P.Sathish

For Respondents : Mr.M.K.Subramanian
Govt. Pleader for R1

Mr.N.Sampath for R2

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it transpires that the petitioner has exhausted all the remedies against the rejection of the planning permission. The learned counsel for the petitioner however submits that subsequently through RTI, he had obtained information, which is contrary to the premise, on which he had approached the concerned authorities - the industrial units functioning in the area are not red in category, but are in orange and green category. He, thus, seeks to file a fresh planning permission application based on the said criteria.

2. We are of the view that if fresh planning permission is applied for by the petitioner predicated on the aforesaid basis of the nature of the industry, the competent authority would examine to that limited extent the effect of the industry not being red industry (subject ofcourse to verification of that fact).

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2014 are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Salai,
Egmore, Chennai-600 008.
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai-600 032.

+1 cc to Mr.N.Sampath, advocate,sr.66745

+1 cc to Government Pleader,sr.66706

krd 29/11

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