

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

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

W.P.No.15604 of 2016
and
WMP.No.13569 of 2016

CREDAI TAMIL NADU,
rep. by its Secretary,
11, Sir Thiyagaraja Road,
T.Nagar,
Chennai-600 017. ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by the Secretary to the Government,
Housing and Urban Development Department,
Chennai-600 009.
- 2.Commissioner of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.
- 3.Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.
- 4.Chief Electoral Officer,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 5.Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to accept, process and duly pass orders in applications seeks planning permission for building constructions, in a time-bound manner, in accordance with the provisions of the Town & Country Planning Act, 1971 in terms of the petitioner's representation dated 14.03.2016.

For Petitioner : Mr.Satish Parasaran
Senior Counsel
for
Mr.R.Parthasarathy

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1 & R2
Mr.C.Johnson for R3
Mr.Niranjan Rajagopal
for
M/s.G.R. Associates for R4 & R5

* * * * *

ORDER

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

The Confederation of Real Estate Developer's Associations of India (CREDAI) has filed the present writ petition making a grievance that the processing of planning permissions for building constructions have been brought to a stand still on the specious plea of the impending elections.

2. We made enquiry from the learned counsel for respondent Nos.4 and 5/Chief Electoral Officer, Public (Elections) Department, State of TN and the Chief Election Commissioner of India and he states that as regards the matter in issue, once it does not concern any policy issue, the normal processing has to be done and the Election Commission is noway concerned with it.

3. This is of course in respect of the private parties.

4. The learned counsel for respondent No.3 also now states that contrary to what was being done earlier, the applications will not be kept in abeyance and would be processed expeditiously as per the provisions of the Tamil Nadu Town and Country Planning Act, 1971. Expeditious processing also would be required because these applications have been unnecessarily kept pending in respect of the aforesaid plea.

5. Respondent No.3 to ensure due compliance and we are sure that no cause would be given for initiation of contempt proceedings.

6. The writ petition, accordingly, stands disposed of. No costs. Consequently, WMP.No.13569 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bbr
To

- 1.The Secretary to the Government,
Housing and Urban Development Department,
Chennai-600 009.
 - 2.The Commissioner of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.
 - 3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.
 - 4.The Chief Electoral Officer,
Public (Elections) Department,
Secretariat, Fort St. George,
Chennai-600 009.
 - 5.The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
- +1 cc to Mr.C.Johnson Advocate sr.27327
+1 cc to Mr.Satish Parasaran Advocate sr.27488
+1 cc to the Government Pleader high Court
Madras sr.27371

W.P.No.15604 of 2016

aa03/05/2016