

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.1601 of 2016
and
W.M.P.No.1363 of 2016

Swarnalatha Dhandapani
rep. By her mother & POA
Mrs. D. Sivagami Sundari Petitioner

Vs

1. Government of Tamil Nadu,
rep. By its Secretary to Government,
Housing and Urban
Development Department,
Secretariat, Chennai 600 009.
2. Corporation of Chennai,
rep. By its Commissioner,
Ripon Buildings,
Chennai 600 003.
3. Corporation of Chennai,
rep. By its Regional Deputy
Commissioner (South),
Enforcement Cell,
Adyar, Chennai 600 020. ... Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of certiorarified mandamus calling for the records of the first respondent in their letter No. 21454/UD-VI(2)/2015-1, dated 25.11.2015 relating to rejection of the petitioner's application under Section 80-A of the Town and Country Planning Act, 1971 pertaining to the building put up at Door No.25, New No. 40 Kumaran flats, flat No.F3, S.V.S. Nagar 1st Main Road, Valasarawakkam, Chennai 600 087 and quash the same and direct the 2nd and 3rd respondents to forbear them from interfering with the aforesaid petitioner's building in any manner particularly by way of locking and sealing and for demolition of the same.

For Petitioner : Mr. D.S. Rajasekaran
for
Mr. C. Selvakumar

For Respondents: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. A. Nagarajan - R2 & R3

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Questioning the correctness of the order dated 25 November 2015 passed by the first respondent, whereby and whereunder, the petitioner was granted one month time to rectify the defects and to submit a revised plan to the competent authority for approval, the petitioner has filed the present writ petition.

3. We have gone through the impugned order. It is needless to state that the reasoning is the heart beat of the order. It is eloquent that the impugned order is devoid of reasoning. Without reasons, it is difficult to understand as to whether there was proper application of mind on the part of the authority, before passing the order.

4. Learned Special Government Pleader appearing for the first respondent fairly submits that a proper reasoned order adverting to all the issues raised in the application will be passed within a period of three weeks.

5. In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly.

6. In that view of the matter, the impugned order dated 25 November 2015 is quashed. Accordingly, the writ petition is disposed of, reserving liberty to the first respondent to pass a reasoned order as aforestated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Secretary, Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009.
2. The Commissioner, Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
3. The Regional Deputy Commissioner (South),
Corporation of Chennai,
Enforcement Cell,
Adyar, Chennai 600 020.

+ 1 cc to Mr.D.S. Rajasekaran, Advocate SR.4567
+ 1 cc to Government Pleader Sr.5098

W.P. No.1601 of 2016

SAI (CO)
Eu 03.02.16



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