

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

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

Writ Petition No.19543 of 2016
and WMP.No.16903 of 2016

1.K.P.Malarvizhi
2.M.P.Parthiban

...Petitioners

Vs.

1.The Secretary to Government
Housing and Urban Development
Secretariat
Chennai-600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008

3.The Commissioner
Corporation of Chennai
Chennai-600 003

4.Executive Engineer
83rd Division
Zone 7, Ambattur
Chennai-600 053

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the revised planning permission application dated 11.05.2016 and 27.05.2016 with respect to the petitioner's premises situated in S.No.164/1C2A, 164/1C2b, T.S.No.98/2 and 98/3, Block No.33, Ward E of Korattur Village, Chennai, within a time to be fixed by this court.

For Petitioners : Ms.Y.Kavitha

For respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Govt.Pleader for R1
Mr.C.Johnson for R2
Mr.R.Arunmozhi for R3

O R D E R

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

Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the 1st respondent-Secretary to Government, Housing and Urban Development, Mr.C.Johnson, learned Standing Counsel takes notice for 2nd respondent-CMDA and Mr.R.Arunmozhi, learned Standing Counsel takes notice for the 3rd and 4th respondents.

2. Heard the learned counsel on either side.

3. It appears that on a refusal to grant planning permission vide order dated 20.03.2014 passed by the 2nd respondent, the petitioners preferred appeal before the 1st respondent, who after careful consideration, directed the 2nd respondent to de-seal the building for a period of 3 months to enable the petitioners to rectify the defects as pointed out in the rejection order. In the mean while, the petitioners also said to have made an application before the 2nd respondent along with a modified plan seeking approval of the same and the same is pending.

4. In the above circumstances, it is for the 2nd respondent-CMDA to consider the modified plan proposed by the petitioners and if found feasible, pass appropriate orders, if it is otherwise in order, in accordance with the norms laid down in the statutes. The petitioners are directed to submit a copy of this order before the 2nd respondent and take up the matter before the 2nd respondent within 15 days from the date of receipt of a copy of this order, who in turn, shall pass appropriate orders regarding approval within 2 months thereafter. Till such time, the respondents are directed not to take any coercive steps against the petitioners.

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Secretary to Government
Housing and Urban Development
Secretariat
Chennai-600 009

2.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008

1 cc to Ms.Y.Kavitha, Advocate, sr.31211
1 cc to Mr.C.Johnson, Advocate, sr.31142
1 cc to The Government Pleader, sr.31083

msm co
kra 30.06.2016

W.P.No.19543 of 2016

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