

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.40975 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Muniammal

..Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.

2.The Chennai Metropolitan Development
Authority rep. by its
Member Secretary,
Thalamuthu Natarajan Buildings,
Gandhi Irwin Road,
Egmore, Chennai - 8.

3.The Commissioner,
Punitha Thomaiyarmalai Panchayat
Union, Chitlapakkam,
Chennai - 64.

4.The President,
Medavakkam Panchayat (1st Grade),
Medavakkam, Chennai - 100.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent pertaining to his proceedings vide Letter No.6987/UD-VI(2)/2014-4 dated 10.12.2015 in rejecting the petitioner's appeal filed under Section 80A of the Town and Country Planning Act as against revised locking and sealing decision dated 14.03.2014 of the Chennai Metropolitan Development Authority for the building situated in the plot measuring an extent of 5940 sq. ft. in Door No.4/856 and 3/152, Perumbakkam Main Road, Medavakkam, Chennai -

100 and quash the same and consequently direct the respondents herein to regularise the building put up in the aforementioned property.

For Petitioner .. Mr.G.Arul Murugan
For Respondents.. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1, R3 and R4
Mr.K.Raja Srinivas for R2

ORDER

(Order of the Court was made 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 10 December 2015 passed by the first respondent, whereby and whereunder, the appeal filed by the petitioner was rejected, the petitioner has come up with 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 appeal 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 10 December 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 petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.

2.The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajar Buidlings,
Gandhi Irwin Road,
Egmore, Chennai - 8.

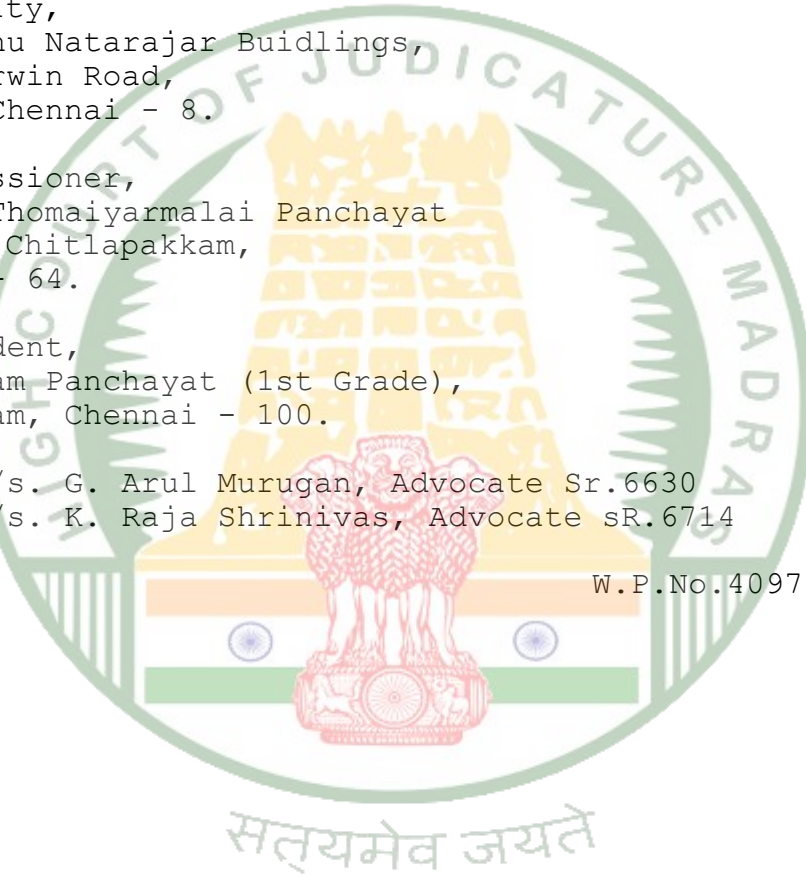
3.The Commissioner,
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Union, Chitlapakkam,
Chennai - 64.

4.The President,
Medavakkam Panchayat (1st Grade),
Medavakkam, Chennai - 100.

+ 1 cc to M/s. G. Arul Murugan, Advocate Sr.6630
+ 1 cc to M/s. K. Raja Shrinivas, Advocate sR.6714

W.P.No.40975 of 2015

VD(CO)
Eu 09.02.16



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