

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.7.2016

CORAM

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

W.P.No.23199 of 2016
and
W.M.P.No.19904 of 2016

S.Gowrishankar

Petitioner

Versus

- 1 The State of Tamilnadu
Rep by its Secretary to Government
Housing and Urban Development Department
St. George Fort Chennai-600 009.
- 2 The Commissioner
Corporation of Chennai Rippon Building
Chennai-600 003
- 3 The Executive Engineer
Enforcement-Region Central
Corporation of Chennai
2nd Cross Street (East)
Pulla Avenue Shenoy Nagar
Chennai-600 030
- 4 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
1 Gandhi Irvin Road Egmore
Chennai-600 008
- 5 Seetha Subramanian Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned Notice made in No.REGION.CENTRAL/ TPENF/1899/2015 dated 08.06.2016 issued by the 3rd respondent, quash the same and consequently direct respondents 2 to 4 to process the application dated 27.06.2016 for granting plan approval in respect of the temporary structure constructed for Badminton

court in Plot No.969 comprised in S.No.127 (Part), Villivakkam Village, Chennai District.

For petitioner : Mr.N.Manokaran
For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For RR2 and 3 : Mr.R.Arunmozhi
For R4 : Mr.K.Raja Srinivas

ORDER

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

Heard the learned counsel appearing for the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, Mr.R.Arunmozhi and Mr.K.Raja Srinivas, who accepts notice on behalf of first respondent, respondents 2 and 3 and the fourth respondent respectively.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned Notice made in No.REGION.CENTRAL/TPENF/1899/2015 dated 08.06.2016 issued by the 3rd respondent, quash the same and consequently direct respondents 2 to 4 to process the application dated 27.06.2016 for granting plan approval in respect of the temporary structure constructed for Badminton court in Plot No.969 comprised in S.No.127 (Part), Villivakkam Village, Chennai District.

3. The case of the petitioner is that he entered into a lease agreement dated 21.3.2016 with the fourth respondent and another in respect of 3600 sqft bearing plot No.969, comprised in S.No.127 (Part) Villivakkam Village for the purpose of running a Badminton Court and he put up a temporary construction for that purpose without getting any approval and he was served with a notice dated 25.5.2016, under sections 56 and 57 read with section 85 of the Tamil Nadu Town and Country Planning Act, 1971, by the third respondent, to stop the work, contending that it was an unauthorised construction and subsequently, the impugned order came to be passed on 8.6.2015 directing the petitioner to remove the temporary structure within 30 days.

4. The grievance of the petitioner is that he was informed by the authorities that no approval is necessary for a temporary construction and hence, he did not apply for the same.

5. Admittedly, the writ petitioner has preferred a revision petition under section 80(A) of the said Act on 26.6.2016 and also filed application seeking planning permission. Therefore, the respondent-authorities are directed to hear the petitioner as well as the fifth respondent by issuing notice to them and thereafter, pass necessary orders on merits and in accordance with law within a period of two months from the date of receipt

of copy of this order. Till then, status quo shall be maintained. The writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

ssk.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To:

- 1 The Secretary to Govt.
State of Tamilnadu
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Thalamuthu Natarajan Maaligai
1 Gandhi Irvin Road Egmore
Chennai-600 008

+ 1 cc to M/s.R.Arunmozhi, Advocate SR 37663

+ 1 cc to M/s.N.Manokaran, Advocate, SR 37903

+ 1 cc to Mr.K.Raja Shrinivas, Advocate SR 37585

+ 1 cc to Govt.Pleader SR 37966

mp1(co)
prk4/8

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