

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2016

CORAM

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

W.P.No.23386 of 2016

Sonny George

.. Petitioner

-vs-

The Secretary to Government
Housing and Urban Development Department
Government of Tamil Nadu
Chennai 600 009

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to dispose of the Appeal dated 31.08.2015 preferred against the order dated 31.07.2015 passed by the Member Secretary, CMDA, Chennai within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sethuraman

For Respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader is directed to take notice on behalf of the respondent.

2. The petitioner seeks for issuance of a writ of mandamus directing the respondent to dispose of the appeal dated 31.08.2015 preferred against the order dated 31.07.2015 passed by the Member Secretary, CMDA, Chennai within a time frame to be fixed by this Hon'ble Court.

3. It appears that the petitioner had purchased the property measuring an extent of 1186 sq.ft., comprising of ground plus two floors situate at No.111, Swaminathan Nagar, Kottivakkam, Chennai from M/s Silkasia Exports Private Limited by way of sale deed dated 31.10.2003 registered as Document No.2324 of 2003 and even before the said purchase, the erstwhile owner had applied to the Member Secretary, CMDA for regularisation of the building

way back in the year 2001 after paying the necessary regularization fee. However, the CMDA had returned the papers by letter dated 5.9.2003 for want of certain particulars. Thereafter, the petitioner has furnished all the particulars pertaining to the regularization to the Member Secretary, CMDA and also paid the regularization fee and interest on development charge totalling to Rs.21,033/- to the CMDA. But the application has been rejected by the Member Secretary, CMDA by order dated 31.7.2015 and aggrieved by the said order, the petitioner has now preferred an appeal to the respondent/Government on 3.8.2015 followed by a reminder on 19.12.2015 to expedite the disposal of the appeal on merits. As the said appeal has not been disposed of, the petitioner is before this Court.

4. Having heard the learned counsel for the parties, we direct the respondent to consider the appeal filed by the petitioner under Section 113-A(6) of the Tamil Nadu Town and Country Planning Act on merits and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. Till such time the appeal is disposed of, status quo shall be maintained. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Housing and Urban Development Department
Fort St.George
Chennai 600 009

+ 1 cc to Mr.S.Sethuraman. Advocate, SR.37914

+ 1 cc to The Govt.Pleader, SR.38220

TM(CO)
CP 23/07/2016

W.P.No.23386 of 2016