

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.Nos.17173 of 2012 & 33528 of 2012
and connected Miscellaneous Petitions

W.P.No.17173 of 2012:

1.R.Ramamoorthy
2.Mahalakshmi .. Petitioners

-vs-

- 1.The Corporation of Chennai,
rep. by the Commissioner,
Rippon Buildings,
Chennai-3.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.St. Thomas Mount Panchayat Union,
at Chitlapakkam,
Chennai-64
rep. by the Commiisioner.
- 4.The Zonal Office, Zone - XV,
Corporation of Chennai,
Sholinganallur,
Chennai-600 119,
rep. by the Executive Engineer.
- 5.M/s.Karpagam Packaging Industries,
New No.2/595, Old No.3/418, Kuppam Road,
Singaravelar Salai,
Neelangarai, Chennai-600 041,
rep. by its Sole Proprietor J.Pushparaj. ... Respondents

(Respondent No.5 impleaded as per the
order in M.P.No.3 of 2012, dt. 24.9.2012)

W.P.No.33528 of 2012:

1.R.Ramamoorthy
2.Mahalakshmi

.. Petitioners

-vs-

1.The Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai-9.

2.The Corporation of Chennai,
rep. by the Commissioner,
Rippon Buildings,
Chennai-3.

3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-8.

4.The Executive Engineer,
Zone XV,
Corporation Office,
Sozhinganallur,
Chennai-115.

.. Respondents

Writ Petition No.17173 of 2012 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records on the file of the fourth respondent in connection with the order passed by him in Letter No.3/Ward - 192/2012, dated 28.5.2012 received by the petitioner on 9.6.2012 and quash the same and direct the respondents to approve the Plan and construction put up by the petitioner in Building at No.2/585A, Singaravelar Nagar Cross Street, S.No.82/15, Neelankarai, Chennai-600 041.

Writ Petition No.33528 of 2012 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to regularise the minor violation of 0.08 FSI and 4% of Plot Coverage on the basis of the petitioners' application dated 1.12.2012.

For Petitioners : Mr.R.Singaravelan
in both WPs Senior Counsel
for M/s.Lesi Saravan
For Respondents : Mr.G.Anantha Rangan for R1 to R4
Mr.N.Sampath for R2
Mr.R.Vijayakumar
Addl. G.P. for R3
Mr.M.S.Mani for R5 in
W.P.No.17173 of 2012
Mr.Vasudha Thiagarajan
Addl. G.P. for R1
Ms.Karthika Ashok for R2 to R4
Mr.C.Johnson for R3 in
W.P.No.33528 of 2012

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

On hearing the learned counsel for parties, it transpires that the petitioners have made the construction without obtaining the sanction of the plan. It is the case of the petitioners that as per the plan submitted, though not sanctioned, the construction was made and there is some minor violation. On the other hand, some aspects are sought to be disputed as to the ability of the petitioners to obtain sanction of the plan for the building. However, it is a common ground that appeal is pending consideration under Section 79 of the Town and Country Planning Act, 1971, which is yet to be decided.

2. At request of the respondent authorities, four weeks' time is granted to decide the appeal.

3. No further directions are required in these petitions, which are accordingly, disposed of. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-3.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.The Commisiiонер.
St. Thomas Mount Panchayat Union,
at Chitlapakkam,
Chennai-64.
- 4.The Executive Engineer,
Zonal Office, Zone - XV,
Corporation of Chennai,
Sholinganallur,
Chennai-600 119.
- 5.The Secretary to Government,
Housing & Urban Development Department,
Secretariat, Chennai-9.

+1cc to Mr.N. Sampath, Advocate, S.R.No.72004
+1cc to Mr.Karthikan Ashok, Advocate, S.R.No.71929
+1cc to Mr. G. Anantharangan, Advocate Sr.No.72106
+1cc to Mr. C. Johnson, Advocate Sr.No.72962
+1cc to Mr. M.S. Mani, Advocate Sr.No.72583
+1cc to Mr. Lesi Saravanan, Advocate Sr.No.72095
+1cc to the Government Pleader, S.R.No.71852

kji(CO)
md(22/12/2016)

सत्यमेव जयते

W.P.Nos.17173 & 33528 of 2012

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