

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.27438 of 2013

and

M.P.No.1 of 2013

Gowtham Chand Sethia .. Petitioner

-vs-

1.Member Secretary, CMDA,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.The Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Chennai-600 009. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified mandamus calling for the records of the second respondent dated 19.8.2013 made in Letter No.13107/UD-VI/2013-1 and quash the same and direct the second respondent to take up the petition to condone the delay in filing the appeal.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.C.Johnson for R1
Mr.R.Vijayakumar
Addl. Government Pleader for R2

ORDER

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

The petitioner, without planning permission, constructed the building, and now claims that if the building is inspected, as per the current norms, there is no construction beyond what would have been permissible on the plot.

2. The petitioner, apparently failed to produce the materials to substantiate the plea of construction before the

cut-off date of 28.02.1999, which resulted in adverse order dated 01.02.2013 by the Chennai Metropolitan Development Authority. The lethargy has continued thereafter also, as the appeal was also filed beyond 90 days over the time period stipulated and thus, the appeal has been rejected as barred by time in terms of the communication dated 19.08.2013.

3. On hearing the learned counsel for parties, it appears that if the petitioner is able to produce the requisite materials to substantiate the claim of construction prior to 28.2.1999 before the Chennai Metropolitan Development Authority and the Chennai Metropolitan Development Authority, in turn, would re-visit the issue. We grant two weeks' time to the petitioner to do so and the Chennai Metropolitan Development Authority to take a decision on the same within a period of three months' thereafter.

4. For the lethargy of the petitioner in not producing the relevant materials both at the first stage and after filing of the appeal beyond the time, we consider it appropriate to direct that the petitioner would make a contribution of Rs.20,000/- (Rupees Twenty Thousand only) to the Tamil Nadu Mediation and Conciliation Centre, Madras High Court campus within a period of two weeks.

5. The writ petition, accordingly, stand disposed of. No costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Member Secretary, CMDA,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

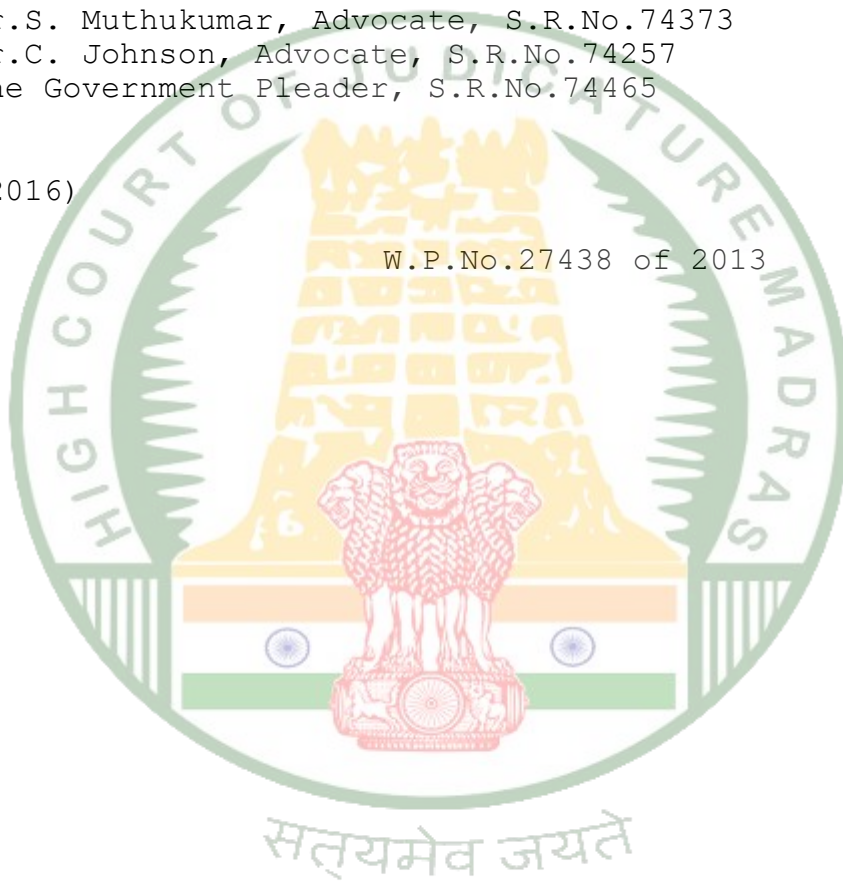
2.The Secretary to Government,
Housing and Urban Development Dept.,
Fort St. George,
Chennai-600 009.

3 The Secretary,
Tamil Nadu Mediation Conciliation Centre,
High Cout, Chennai

+1cc to Mr.S. Muthukumar, Advocate, S.R.No.74373
+1cc to Mr.C. Johnson, Advocate, S.R.No.74257
+1cc to the Government Pleader, S.R.No.74465

kk(CO)
md(27/12/2016)

W.P.No.27438 of 2013



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