

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.36142 of 2016

Indian Syntans Investments
Private Limited
rep. b y its Managing Director,
Kannan Narayanan
No.12, III Main Road
Kasturba Nagar, Adyar
Chennai - 600 020. ... Petitioner

Vs.

1. The Greater Chennai Corporation
Zone 15, rep. by its Executive Engineer
Sholinganallur, Chennai.
2. The Member Secretary
Chennai Metropolitan
Development Authority
(CMDA), Gandhi Irwin Road
Chennai - 600 008.
3. The State of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban
Development Department
Chennai - 600 009. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records on the file of the first respondent in Notice No.U44/192-6/2016, dated 20.9.2016, to quash the same and direct the first respondent to consider and approve the plan submitted by the petitioner as per law.

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.A.Nagarajan
for 1st respondent

Mr.N.Sampath
for 2nd respondent

Mr.R.Vijayakumar
Additional Govt. Pleader
for 3rd respondent

ORDER

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

The petitioner's case is one where his plan was rejected and he preferred an appeal under cover of the letter dated 21.4.2003. The pendency of the appeal is confirmed by the learned Additional Government Pleader.

2. We find the aforesaid a completely shocking state of affairs that for 13 years the appeal should be kept pending, which has resulted in the mess now being faced.

3. In the given facts, we thus direct that the appeal be disposed of within a maximum period of one month from today, after notice to the parties concerned.

4. The non disposal of the appeal has resulted in a situation where the complete construction of the petitioner is unauthorized and the petitioner is faced with a lock and seal notice dated 20.9.2016. The delay on the part of the respondents, however, does not take away from the fact that the petitioner made complete unauthorized construction, as there was no sanction available. The appropriate course of action for the petitioner ought to have been to have approached the Court in case of inordinate delay in disposal of the appeal - which he did not do and took law on to his own hand by constructing the property.

5. We are also informed by the learned counsel for the petitioner that a fresh plan has also been submitted some time in the year 2016, possibly faced with the aforesaid situation.

6. A special revision has also been filed by the petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act against the order dated 20.9.2016, with an application for stay. This special revision should also be taken up simultaneously and the interim application should be dealt forthwith, so as to not make the relief prayed for by the petitioner illusory.

The petition, accordingly, stands disposed of. No costs.
Consequently, W.M.P.No.31091 of 2016 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

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

+1cc to M/s. R. Subramanian, Advocate, S.R.No.58518

+1cc to Mr.A. Nagarajan, Advocate, S.R.No.58737

+1cc to N.Sampath, Advocate S.R.No.58561

MV(CO)
EU(19/102016)

W.P.No.36142 of 2016

सत्यमेव जयते

WEB COPY