

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4692 of 2016 and W.M.P. No.4080 of 2016

1 K. Kamala
2 K. Ravichandran Petitioners

Vs.

1 Government of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009
2 Chennai Metropolitan Development Authority
rep by its Member Secretary
No.1, Gandhi Irwin Road Egmore, Chennai 600 008 Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 27.08.2015 to regularise the construction of their residential flat in the premises at basement floor Old No.183, New No.16, Ground Floor, F1 Block, Baid Metha Complex, Anna Salai, Saidapet, Chennai - 600 015 within a time frame.

For petitioners Mr. L. Chandrakumar

for Mr. A. Saravanan

For R1

Mrs. A. Srijayanthi, Spl. Govt.

Pleader

For R2

Mr. N. Sampath, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for the second respondent. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the second respondent to consider and pass orders on the petitioners' representation dated 27 August 2015 to regularise the construction of their residential flat in the premises at basement floor Old No.183, New No.16, Ground Floor, F1 Block, Baid Mehta Complex, Anna Salai, Saidapet, Chennai - 600 015, within a time frame.

3 The brief facts, as projected by the petitioners, leading to the filing of this writ petition are that they are the owners of the flat in question. While so, on 17 March 2015, the second respondent, viz., Chennai Metropolitan Development Authority, sealed their flat on the ground that it was constructed in violation of the approved building plan. However, subsequently, as per the orders of this Court, the flat was de-sealed. On 27 August 2015, seeking regularisation of construction of their flat, they submitted a representation to the second respondent, which is still under consideration. Hence, the instant writ petition seeking the aforestated relief.

4 Without expressing any opinion on the merits of the case, we leave it open to the authority concerned to consider and pass orders on the petitioners' representation dated 27 August 2015 on its own merits and in accordance with law.

The writ petition stands disposed of with the aforestated observation. Costs made easy. Connected W.M.P. is closed.
cad

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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

2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road Egmore, Chennai 600 008

+ 1 cc to Mr.A.Saravanan, Advocate SR 8299
+ 1 cc to Govt.Pleader SR 8228
+ 1 cc to Mr.N.Sampath, Advocate SR 8073

skv(co)
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