

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.6761 of 2016
and W.M.P.Nos.6025 and 6026 of 2016

Coimbatore Consumer Cause
(Regd.No.110/97)
Coimbatore, Rep. by its
Secretary, K.Kathirmathiyon. ... Petitioner

-vs-

- 1.State of Tamil Nadu
rep. by Secretary to Govt.,
Housing and Urban Development Dept.,
Fort St. George, Chennai-600 009
- 2.The Director,
Town and Country Planning Authority,
807, Anna Salai, Chennai-600 002 ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the entire records connected with the impugned clarification issued by the 1st respondent in Letter No.10972/UD4-3/2015-2 dated 29.06.2015 and quash the same.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.S.T.S.Murthi, Govt. Pleader,
for Mr.V.Shanmugasundar,
Government Advocate

* * * * *

O R D E R

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

Learned counsel for the petitioner contends that his apprehension is that the space earmarked for schools and hospitals may be permitted to be converted for residential area to be sold. We did point out to the learned counsel that the G.O. seems to suggest that the absence of restriction is only where a twin requirement is met, i.e. 1) that the space should be earmarked for saleable commercial / industrial sites; and 2) is not being sold due to commercial non-viability. Thus, only if these two conditions are met, would the question of application of G.O. would arise.

2.The wordings of the G.O. may not be most happily worded, but the intent appears to be the aforesaid only, since otherwise it would run foul of the already settled position of law propounded by the Courts. The G.O. would be applicable on a case to case basis depending on whether the twin requirement is satisfied.

3.Writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.6025 and 6026 of 2016 stand closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra
To

1.The Secretary to Govt. of Tamil Nadu
Housing and Urban Development Dept.,
Fort St. George, Chennai.

2.The Director,
Town and Country Planning Authority,
807, Anna Salai, Chennai.

+1 cc to M/s.S.Sathia Chandran Advocate sr.12229
+1 cc to Government Pleader High Court Madras
sr.12606

W.P.No.6761 of 2016

aa08/03/2016