

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8127 of 2016 &
WMP No.7233 of 2016

1 P.Sanjay Lalwani
2 Sushil Lalwani
3 Pravan Lalwani
4 Nirmala Kumari [PETITIONERS]

Vs

The Member Secretary,
Chennai Metropolitan
Development Authority,
No.1 Gandhi Irwin Main Road,
Chennai-600 008. [RESPONDENT]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for calling for the records on the file of respondent in its proceedings Lr. No.B3/12773/2015, dated 26.11.2015 and quash the same and direct the respondent to accept the application of the petitioners for Planning Permission and to further process the said application along with relevant materials in terms of Tamil Nadu Town and Country Planning Act and Rules framed thus under and to grant approval approving the Planning Permission Application submitted by the petitioners.

For Petitioners : Mr.P.Chandrasekaran

For Respondent : Mr.M.Karthkeyan

O R D E R

Heard Mr.P.Chandrasekaran, learned counsel appearing for the petitioner and Mr.M.Karthkeyan, learned counsel accepting notice on behalf of the respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioners are aggrieved by the proceedings of the respondent dated 26.11.2015, by which the petitioners Application for Planning Permission dated 22.07.2015, has not

been considered, but has been returned, unapproved for certain reasons. Therefore, the proper procedure for the petitioners is to comply with the return, re-submit the Application with due explanation. If according to the petitioners, the reasons for returning is incorrect, they have to say so by producing appropriate documents. In fact, in the impugned communication, the respondent has only called upon the first petitioner to prove his ownership by producing valid evidences including 'A' Register dating back to 1900, reclassification of the blank portion in T.S.No.48/2, Block No.21 of Aminjikarai Village. Therefore, if it is the case of the petitioner that reclassification is not required and he has got necessary documents, he has to establish the same and prove his ownership and it is always open to the petitioners to produce necessary documents to the satisfaction of the respondent.

Accordingly, the Writ Petition is disposed of by directing the petitioner to re-submit the returned Planning Permission Application, duly complying with the requirements and offering appropriate explanation. As and when the Application is re-submitted, the respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within period of six weeks from the date of receipt of the re-submitted application. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

r n s

To
The Block Development Officer,
Chittamoor Panchayat Union,
Chittamoor, Cheyyur Taluk,
Kancheepuram District - 603 401.

+ 1 cc to Mr.P. Chandrasekaran, Advocate sr.13947

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TEJ(CO)
Eu 08.03.16