

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.849 of 2016
and
W.M.P.Nos.666 and 756 of 2016

M.Swaminathan rep. by his
General Power Agent A.Devaneethi ..Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep. by its Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.
- 2.The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajar Maligai,
No.2, Gandhi Irwin Road,
Egmore, Chennai - 8.
- 3.The Principal Secretary/Commissioner,
Corporation of Building,
Ripon Building, Chennai - 3.
- 4.The Executive Engineer,
Town Planning Enforcement,
Regional Office Central,
Corporation of Chennai,
2nd Cross Street East,
Pulla Avenue, Shenoy Nagar,
Chennai - 30. ..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records pertaining to the issue of the communication in proceedings bearing Letter No.21282/UD-VI(1)/2015-1 dated 18.12.2015 duly issued by the Government of Tamil Nadu rep. by its Secretary to Government, Housing and Urban Development Department, Secretariat, Fort St. George, Chennai - 9, the first respondent herein and quash the same.

For Petitioner .. Mr.D.Ashok Kumar
For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.K.Raja Srinivas for R2
Mr.V.C.Selvasekaran for R3 & R4

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Questioning the correctness of the order dated 18 December 2015 passed by the first respondent, whereby and whereunder, the petitioner was granted one month time to rectify the defects and to submit a revised plan to the competent authority for approval, the petitioner has filed the present writ petition.

3.We have gone through the impugned order. It is needless to state that the reasoning is the heart beat of the order. It is eloquent that the impugned order is devoid of reasoning. Without reasons, it is difficult to understand as to whether there was proper application of mind on the part of the authority, before passing the order.

4.Learned Special Government Pleader appearing for the first respondent fairly submits that a proper reasoned order adverting to all the issues raised in the application will be passed within a period of three weeks.

5.In view of the above submission made by the learned Special Government Pleader, it is ordered accordingly.

6.In that view of the matter, the impugned order dated 18 December 2015 is quashed. Accordingly, the writ petition is disposed of, reserving liberty to the first respondent to pass a reasoned order as aforestated. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Secretary to Government,
Housing and Urban Development
Department, Secretariat,
Fort St. George, Chennai - 9.
- 2.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajar Maligai,
No.2, Gandhi Irwin Road,
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- 4.The Executive Engineer,
Town Planning Enforcement,
Regional Office Central,
Corporation of Chennai,
2nd Cross Street East,
Pulla Avenue, Shenoy Nagar, Chennai - 30.

+1cc to Mr.D. Ashokkumar, Advocate, S.R.No.4894
+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No.4595
+1cc to the Government Pleader, S.R.No.5119

VSN(CO)
EU(10/02/2016)

W.P.No.849 of 2016

सत्यमेव जयते

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