

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.4056 of 2017 and WMP No.4206 of 2017 and WMP.4920 of 2017

S.Sukumar

..Petitioner

Vs

1. The Secretary,
Housing and Urban Development Department,
St.Fort George,
Chennai - 9.
2. The Commissioner,
Chennai Corporation, Rippon Buildings,
Poonthamallee High Road, Chennai.
3. The Regional Joint Commissioner/
Deputy Commissioner,
Corporation of Chennai,
Zone Central (IV to X Anna Nagar)
No. 12B, Pulla Avenue, TVK Street,
Shenoy Nagar, Chennai - 30.
4. The Executive Engineer,
Zone - VII (Ambattur),
Greater Chennai Corporation, Chennai -53.
5. M.Ashok Chand

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus calling for the records in respect of the impugned notices issued by the 4th respondent Notice vide Zone -7/Division-93/1671/2017 dated 06.01.2017 and consequential notice No.Zone-7/Division-93/1671/2017 dated 06.02.2017 and quash the same as illegal and passed without considering the petitioner reply dated 31.01.2017 and consequently, directing the respondents to refrain from taking any coercive actions pursuant to the impugned notice, till disposal of petitioner revised planning permission application submitted by petitioner

on 30.01.2017 invoking Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr. B.Vijay Anand

For Respondents : Mr.V.C.Selvasekaran for
R2 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The facts leading to the filing of this writ petition has been dealt with in detail and extenso in the connected writ petition No.7528 of 2017 which came to be disposed of vide order dated 09.10.2017 and therefore, it is unnecessary to re-state the facts once again.

2. The petitioner in response to the impugned locking, sealing and demolition notice dated 06.01.2017 issued by the 4th respondent, has submitted his response dated 31.01.2017 along with the relevant documents.

3 The learned counsel appearing for the petitioner would submit that the petitioner had submitted an application for revised planning permission by invoking under section 56(3) of Tamil Nadu Town and Country Planning Act, 1971 and necessary documents have also been submitted and the matter is pending for consideration and till such time, the 4th respondent shall consider and pass orders, prays for deferring of the further decision.

4 This Court heard the submissions of learned counsel appearing for the petitioner and Mr.V.C.Selvasekaran, learned counsel appearing for respondents 2 to 4 and also perused the materials placed before it.

5 In the light of the above facts and circumstances, this Court though the petitioner prays for a larger relief, without going into the merits of the claim projected by the petitioner, directs the respondents 2 to 4 to entertain the application for revised planning permission submitted by the petitioner on 31.01.2017, if the papers are otherwise in order and after putting the 5th respondent herein on notice, shall consider and dispose of the said application on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the 5th respondent and till such time, shall defer further

decision in terms of the locking, sealing and demolition notice dated 06.01.2017 and it is also made clear that the petitioner till the disposal of the revised planning permission, shall not alter the physical features of the super structure and shall not create any 3rd party right of the same.

6 The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rka/smn

To,

1. The Secretary,
Housing and Urban Development Department,
St.Fort George,
Chennai - 9.
2. The Commissioner,
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3. The Regional Joint Commissioner/
Deputy Commissioner,
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W.P.No.4056 of 2017

GN(01/11/2017)