

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.9161 of 2017
and WMP.No.10086 of 2017

The Church at Jehovah Shamma
Represented by its Authorised Signatory
Mr.M.Jeremiah
S/o.Munian
No.4, Ritherdon Road, III Lane (Church Lane)
Vepery, Chennai - 600 007. Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.

2.The Corporation of Chennai
Represented by its Commissioner
Ripon Building, Chennai - 600 003.

3.The Executive Engineer
Ward-58, Zone-5
Greater Chennai Corporation
No.9, Kannappar Thidal, Periamet
Chennai - 600 003.

4.S.Christopher Emmanuel
S/o. Late Stanley Joseph
19/10, Thalaimuthu Street
Annai Anjugam Nagar,
GKM Colony, Chennai - 600 082. Respondents
(R4 - impleaded as per order dated 11.7.2017
in WMP.No.15908/2017 in WP.No.9161/2017)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, to call for the records of the first respondent pertaining to Letter No.7748/UD-VI (1)/2016-5 dated 22.02.2017, passed by the first respondent and quash the same as illegal, arbitrary and non est in law and consequently direct the respondents to consider the petitioner's revised plan

application bearing Ref.No.COC/11831/16 dated 09.8.2016 and forbear the respondents from initiating any coercive action of lock and sealing and demolition with regard to building constructed at No.4, Ritherdon Road, III Lane (Church Lane), Vepery, Chennai - 600 007.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.A.N.Thambidurai
Special Govt. Pleader [R1]
Mr.V.C.Selvasekaran [R2 & R3]
Mr.Ramamoorthy [R4]

O R D E R

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

By consent, the writ petition is taken up for final disposal.

2. Heard Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the first respondent, Mr.V.C.Selvasekaran, learned counsel appearing for the second and third respondent and Mr.M.Ramamoorthy, learned counsel appearing for the fourth respondent.

3. The petitioner, challenging the impugned proceedings of the first respondent dated 22.02.2017, in and by which, the petitioner was granted liberty to approach the concerned authority to obtain approval for demolition as well as plan approval for the proposed construction before carrying out the construction and further it was found that the construction has been carried out without planning/authorised permission and citing the said reasons, the said authority has rejected the application of the petitioner herein.

4. The learned counsel appearing for the petitioner would submit that as on date the property in question is under lock and seal, and that the petitioner had also applied for planning permission in PPA/WDC/05/03419/2017 to the second respondent and it may be processed expeditiously, in accordance with law.

5. Mr.V.C.Selvasekaran, learned Standing Counsel appearing for the second and third respondent would submit that admittedly the religious structure put up by the petitioner is totally an unauthorised one and taking note of the same, the first respondent has rightly rejected the appeal and in the event of consideration of the above said application of the petitioner by the respondents 2 and 3, the fourth respondent would be put on notice and his views may be elicited.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. In the light of the above facts and circumstances, this Court directs the respondents 2 and 3 to consider the application vide PPA/WDC/05/03419/2017, submitted by the petitioner on merits and in accordance with law and before doing so, shall elicit the views of the District Collector, Chennai as well as the fourth respondent and shall pass appropriate orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent and till such time, the religious structure shall continues to be kept under lock and seal.

8. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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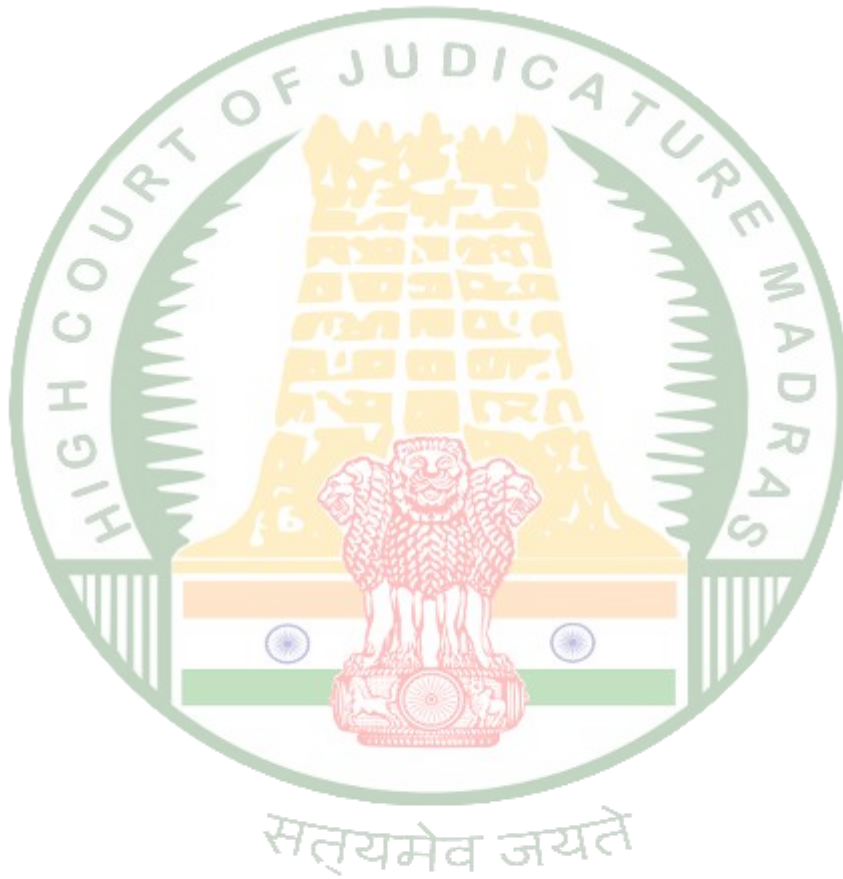
To:

- 1.The Secretary to Government
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
- 2.The Commissioner
Corporation of Chennai
Ripon Building, Chennai - 600 003.
- 3.The Executive Engineer
Ward-58, Zone-5
Greater Chennai Corporation
No.9, Kannappar Thidal, Periamet
Chennai - 600 003.
4. The District Collector
Chennai.

+1 Cc to Mr.M. Ramamoorthy, advocate sr 78392.
+1 Cc to Mr.B. Vijay, sr 78610.
+1 Cc to Govt. Pleader sr 79011.

W.P.No.9161 of 2017

SKV(CO)
SP(30/11/2017)



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