

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.10775 of 2017

Avarapalayam Realtors Association
Rep. by its President, B.Somasundaram
S/o.Late Balasingam, P-3/509
Red Rose Plaza, D.B.Road
R.S.Puram, Coimbatore-641 002. ... Petitioner

Vs

- 1 The Secretary
Housing & Urban Development
Government of Tamilnadu
Fort St. George
Chennai-600 009.
- 2 The Commissioner
Town & Country Planning
807, Anna Salai
Chennai-600 002. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to consider the representation made by the Association dated 17th September, 2016, after affording an opportunity to the petitioner and dispose of the same.

For Petitioner : Mr.M.S.Krishnan
Senior Counsel
for Mr.M.Aravind
Subramaniam

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

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ORDER

(Order of the Court was made by M.Sundar,J.)

This matter pertains to procedure for approval of house sites/ layouts (for housing sites).

2. Mr.M.S.Krishnan, learned Senior Counsel appearing for the writ petitioner points out that the procedure which was in vogue hitherto was good and that the new procedure that is sought to be brought into force is counter productive, as, according to him, it amounts to putting the cart before the horse.

3. Considering the innocuous nature of the prayer and the order which we propose to pass, we express no opinion on the above submission.

4. The prayer is one seeking a mandamus to direct the respondents to consider the representation made by the petitioner association, being representation dated 17.9.2016, which is at page (25) of the typed set of papers. Though the representation is stated to have been sent to both the respondents before us, we notice from the typed set of papers that only the postal receipt evidencing dispatch of the same has been annexed. As there is no postal acknowledgment card, for the sake of convenience and clarity, we directed the learned counsel for the petitioner to handover a photocopy of the said representation dated 17.9.2016 to Mr.R.Vijayakumar, learned Additional Government Pleader, who has accepted notice on behalf of both the respondent. The same has been done and we record this.

5. We now direct the first respondent (The Secretary, Housing and Urban Development Department, Government of Tamil Nadu, Fort St. George, Chennai - 600 009) to consider the above said representation dated 17.9.2016, by giving opportunity to the stakeholders (at the discretion of the authority, namely the first respondent), thereafter pass appropriate orders and dispose of the said representation in a manner known to law as expeditiously as possible and in any event within eight weeks.

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The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.11726 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary
Housing & Urban Development
Government of Tamilnadu
Fort St. George
Chennai-600 009.
- 2 The Commissioner
Town & Country Planning
807, Anna Salai
Chennai-600 002.

+1cc to Mr.M.Arvind Subramanian, Advocate, S.R.No.40242
+1cc to the Government Pleader, S.R.No.40365

W.P.No.10775 of 2017

MSM(CO)
RS(15/06/2017)

सत्यमेव जयते
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