

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

CORAM

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

W.P.Nos.6744 to 6746 of 2017
and WMP.Nos.7296 to 7300 of 2017

- | | |
|------------------------|--------------------------------------|
| 1.Thilagavathy | ... Petitioner in WP.No.6744 of 2017 |
| 2.Jacintha Priyakumari | ... Petitioner in WP.No.6745 of 2017 |
| 3.Banupriya | ... Petitioner in WP.No.6746 of 2017 |

Vs.

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 9.
- 2.The Director of Town and Country Planning
807, Anna Salai, Chennai – 600 002.
- 3.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai – 8.
- 4.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai – 3.
- 5.The Executive Engineer,
Unit No.44, Greater Chennai Corporation, Zone-15
Sholinganallur, Chennai – 119.
- 6.The Assistant Executive Engineer,
Unit No.44, Greater Chennai Corporation, Zone-15
Sholinganallur, Chennai – 119. ... Respondents in all WPs

Prayer in WP.No.6744 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to impugned notice dated 19.01.2017 issued by the 6th respondent through his proceedings Notice No.Dn.196/003/2017 and consequential impugned Notice No.Dn.196/003/2017 dated 21.02.2017 issued by the fifth respondent and further direct the respondents to consider the application of the petitioner dated 17.02.2017 for regularisation of her building situated at Plot No.3, Thiruvalluvar Salai, Injambakkam, Chennai, comprised in S.No.128/2A of Injambakkam Village, Ward No.196, Zone No.15 of Chennai Corporation.

Prayer in WP.No.6745 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to impugned notice dated 19.01.2017 issued by the 6th respondent through his proceedings Notice No.Dn.196/001/2017 and consequential impugned Notice No.Dn.196/001/2017 dated 21.02.2017 issued by the fifth respondent and further direct the respondents to consider the application of the petitioner dated 17.02.2017 for regularisation of her building situated at 2/36, Ponnamman Koil Street, Injambakkam, Chennai -115, comprised in S.No.164/92 = 2616 sq.ft. of Injambakkam Village, Ward No.196, Zone No.15 of Chennai Corporation.

Prayer in WP.No.6746 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to impugned notice dated 19.01.2017 issued by the 6th respondent through his proceedings Notice No.Dn.196/002/2017 and consequential impugned Notice No.Dn.196/002/2017 dated 21.02.2017 issued by the fifth respondent and further direct the respondents to consider the application of the petitioner dated 17.02.2017 for regularisation of her building situated at 2/36, Ponnamman Koil Street, Injambakkam, Chennai -115, comprised in S.No.164/92 = 2616 sq.ft. of Injambakkam Village, Ward No.196, Zone No.15 of Chennai Corporation.

For Petitioner : Mr.N.Selvaraju
(in all WPs)

For Respondents : Mr.A.N.Thambidurai
(in all Wps) Spl. Govt. Pleader [for R1 & R2]
Mr.K.Raja Srinivas [for R3]
Mr.V.C.Selvasekaran
Standing Counsel [for RR4 to 6]

COMMON ORDER

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

By consent, these writ petitions are taken up for final disposal.

2. The petitioners, challenging the notices issued under Section 56(1) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (as amended by Act 61 of 2008), calling for approved plan by the fifth respondent, came forward to file these writ petitions. The petitioner in WP.No.6744 of 2016, put up a religious structure viz., constructed a Church and the petitioners in W.P.Nos.6745 & 6746 of 2017 have put up residential building apparently without any planning permission and not in accordance with relevant rules.

3. Mr.N.Selvaraju, learned counsel appearing for the petitioners would submit that the petitioners had already filed petitions seeking

exemption under G.O.Ms.No.110 & 111 Housing and Urban Development [UD4(3)] Department, dated 22.06.2017, and Section 113 (c) of the Town and Country Planning Act, 1971 and the concerned authority may be directed to dispose of the said petitions expeditiously.

4. *Per contra*, Mr.K.Raja Srinivas, learned counsel appearing for the third respondent would submit that the petitioners were merely called upon for verification of the approved planning permission, and admittedly they filed petitions seeking exemption under Section 113 (c) of the Town and Country Planning Act 1971 and as such, the writ petitions now filed by them are pre-mature and hence, prayed for dismissal of the same.

5. This Court also heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondents 1 and 2 and Mr.V.C.Selvasekaran, learned Standing Counsel appearing for the respondents 4 to 6.

6. In the light of the submissions made by the learned counsel appearing for the petitioners that they have already invoked Section 113 (C) of the Town and Country Planning Act, 1971, this Court is of

the view that nothing survives for adjudication in these writ petitions and if the petitioners are so advised, they are at liberty to pursue their further remedy. Since it is also alleged by the learned counsel appearing for the petitioners that there are very many superstructures exists in the Injambakkam Village without planning permission and constructions having been put up unauthorisedly, the respondents are directed to carry out inspection and take appropriate action in accordance with law, as expeditiously as possible and also file a status report.

7. The writ petitions are dismissed, subject to above observations. No costs. Consequently, connected miscellaneous petitions are closed.

8. Call on 25.10.2017 for filing the status report.

[M.S.N.J.,] [N.S.S.J.,]

16.08.2017

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Index : Yes /No

Internet : Yes /No

To:

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and
N.SESHASAYEE,J.,

ds



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