

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2017
CORAM
THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5781 of 2017

1 M.S.Arora
2 Achala Arora .. Petitioners

Vs.

1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.
2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-8.
3 The Commissioner
Greater Chennai Corporation
Chennai-3. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records leading to pass the impugned order of the 1st respondent in G.O.(3D) No.208, dated 30.12.2016 and quash the same.

For Petitioners : Mr.N.C.Ashok Kumar

For Respondents : Mr.M.K.Subramanian
Government Pleader
for 1st respondent

Mr.K.Rajasrinivas
for 2nd respondent

Mr.V.C.Selvasekaran
for 3rd respondent

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ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.M.K.Subramanian, learned Government Pleader takes notice for the first respondent. Mr.K.Rajasrinivas, learned counsel takes notice for the second respondent and Mr.V.C.Selvasekaran, learned counsel takes notice for the third respondent.

2. The petitioners have filed this writ petition seeking issuance of a writ of certiorari calling for the records leading to pass the impugned order of the 1st respondent in G.O.(3D) No.208, dated 30.12.2016 and quash the same.

3. The petitioners are owners of the property. The petitioners claim to have completed structural construction in the year 1999 and have applied for regularization on 30.12.2000. The second respondent/CMDA, by order dated 13.6.2013, rejected the regularization application submitted by the petitioner. Aggrieved by the same, the petitioners preferred an appeal before the Government. The Government, vide the order under challenge dated 30.12.2016, rejected the appeal holding that there is no proof to establish the existence of the building prior to 28.2.1999. Moreover, it was found that the building was constructed on the street alignment portion. Assailing the said order, the present writ petition is filed.

4. On hearing the learned counsel for the parties and perusing the documents filed in support of this petition, it is evident that the government, based on documents, has categorically held that there is no proof to establish the existence of the building prior to 28.2.1999 and that the building was constructed on the street alignment portion. Therefore, we are not inclined to pass any order as prayed for. It is for the petitioners to approach the competent authority by way of appeal/review with all relevant documents, if such remedy is available.

The petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.6182 of 2017 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi

To:

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai - 600 009.

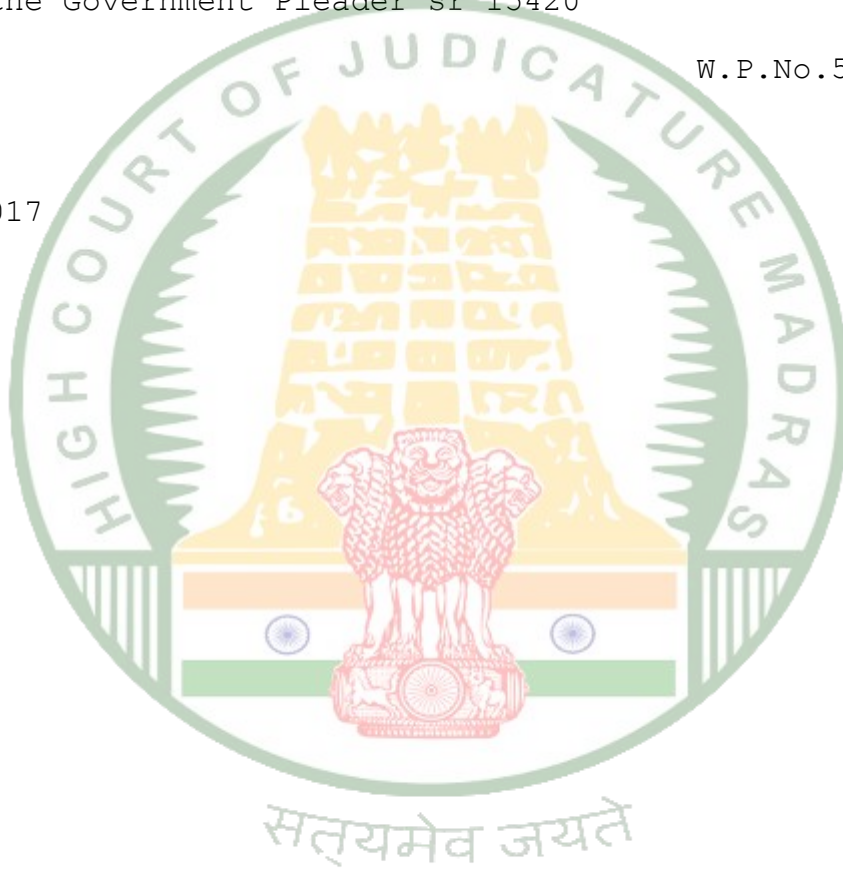
2 The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai-8.

3 The Commissioner
Greater Chennai Corporation
Chennai-3.

+1 cc to Mr.N.C.Ashok Kumar Advocate sr 15228
+1 cc to Mr.K.Rajasrinivas Advocate sr 15009
+1 cc to the Government Pleader sr 15420

W.P.No.5781 of 2017

rj(co)
aa17/03/2017



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