

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.3180 of 2017

1.Y.J.Bakir

2.Y.J.Shamsuddin

3.Y.J.Abbas

4.Y.J.Shabbir

... Petitioners

Vs.

1.Chennai Metropolitan Development

Authority rep. by its

Member Secretary,

No.1, Gandhi Irwin Road,

Egmore, Chennai - 8.

2.Archaeological Survey of India

rep. by its Competent Authority,

Chennai Circle, Fort St. George,

Chennai - 9.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to process and consider the application for planning permission vide SBC No.1050/14 dated 26.12.2014, duly represented on 18.01.2017 for the proposed construction at Site No.117/169 Broadway in R.S.No.11487/1, Block No.94, Fort Tondiarpet Taluk, Chennai District expeditiously in accordance with law.

For Petitioners

... Mr.D.S.Rajasekaran

For Respondents

.. Mr.C.Johnson for R1

Mr.Su.Srinivasan for R2

ORDER

Seeking a direction to the first respondent to process and consider the application for planning permission vide SBC No.1050/14 dated 26.12.2014, duly represented on 18.01.2017 for the proposed construction at Site No.117/169 Broadway in R.S.No.11487/1, Block No.94, Fort Tondiarpet Taluk, Chennai District expeditiously in accordance with law, the petitioner has filed the present writ petition.

2.Heard the learned counsel appearing for the petitioners, learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The matter lies in a very narrow compass. The No Objection Certificate sought for by the petitioners for construction in the regulated area of protected monument/archaeological site has been granted subject to the condition that the petitioners have to pay a regularisation charge of Rs.1,00,000/-.

4.Learned counsel appearing for the petitioners submits that the said amount will be paid by the petitioners.

5.In such view of the matter, the writ petition stands disposed of, giving liberty to the petitioners to deposit the said amount of Rs.1,00,000/- (Rupees One Lakh only) before the competent authority viz., Superintending Archaeologist, Archaeological Survey of India, Chennai. On such compliance, the first respondent will have to consider the planning permission subject to other compliance, if any. Such exercise has to be carried out within a period of eight weeks from the date of depositing the amount of Rs.1,00,000/-, as indicated above. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mmi

To

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

WEB COPY

2.The Competent Authority, Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle, Fort St. George,
Chennai - 9.

+1cc to Mr.C.Johnson, Advocate Sr.23184
+1cc to Mr.Su.Srinivasan, Advocate Sr.23922
+1cc to Mr.D.S.Rajasekaran, Advocate Sr.23127

W.P.No.3180 of 2017

vsn[co]
srg 28/04/2017



WEB COPY