

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26707 of 2004
and
W.P.M.P.No.32513 of 2004

G.Yuvaraj .. Petitioner

Vs.

1. Government of Tamilnadu, represented
by Secretary to Government,
Housing and Urban Development (UD-VI) Department,
Fort St.George, Chennai-600 009.

2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in G.O.(D).No.422, dated 15.07.2004 on the file of the first respondent herein and quash the same and direct the second respondent to allow the regularisation of the construction in premises bearing Door No.3, Sadasivam Pillai Lane, Chintadripet, Chennai-600 002, accepting the regularisation fees paid by the petitioner, as requested by the petitioner by his application dated 30.10.2000 and 31.12.2000.

For Petitioner : Mr.S.Sadasharam

For Respondents: Mr.R.Venkatesh, Govt. Advocate for R-1
Mr.N.Sampath for R-2

ORDER

When the Writ Petition is taken up for hearing, learned counsel for the petitioner submitted that the petitioner may be permitted to withdraw the Writ Petition, with liberty to make a fresh representation for regularisation of construction of the premises in question as per the new Scheme. He also made an endorsement to that effect.

2. It is open for the petitioner to make a representation for regularisation of construction of the premises in question as per the new Scheme, however, it should be in conformity with the provisions of the Tamil Nadu Town and Country Planning Act

and in any event, the set-back must be provided in the building in question and the purpose for which the regularisation, if any is granted, shall be complied with. This does not mean that the regularisation shall be granted by the respondents automatically. Before considering the said representation, the authorities concerned shall follow the decision of the Division Bench of this Court reported in 2006 (4) CTC 483 (Consumer Action Group, rep. by its Trustee Tara Murali Vs. The State of Tamil Nadu rep. by its Secretary to Government and others) and also the decision of the Supreme Court reported in 2000 (7) SCC 425 (The Consumer Action Group and another Vs. State of Tamil Nadu and others) and thereafter arrive at a decision on the said representation to be filed by the petitioner and pass orders on the same on merits and in accordance with law. It is needless to mention that if there are any interested parties/complainants, they should also be heard to avoid encroachments. The petitioner shall state whether there are any complaints. If the complaint is noted at a later point of time, then regularisation, if any granted shall stand automatically cancelled and the building can be razed to the ground.

3. With the above observations, the Writ Petition is dismissed as withdrawn. No costs. Consequently, W.P.M.P. is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

CS
To

1. The Secretary to Government,
Housing and Urban Development (UD-VI) Department,
Fort St.George, Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1cc to Government Pleader SR.No.77186
+1cc to M.N.Sampath, Advocate SR.No.76958

W.P.No.26707 of 2004

SSI (CO)
sm:24.11.2017