

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WP.No.20619 of 2018

R.Jayalakshmi

Petitioner

Vs

Chennai Metropolitan Development Authority
represented by its Member Secretary
Chennai-8

Respondent

Prayer:- This Writ Petition is filed to issue a Writ of Mandamus, directing the Respondent herein to dispose of the application of the Petitioner, dated 03.06.2018 under Section 49 read with Section 56(3) of the Tamil Nadu Town and Country Planning Act, acknowledged under Receipt No.2018/06/03/000585, dated 03.06.2018.

For Petitioner :Mr.V.Prakash, SC for S.Balasubramanian.

For Respondent :Mr.Karthik Rajan-R1
(Sole Respondent)

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the Respondent herein to dispose of the application of the Petitioner, dated 03.06.2018 under Section 49 read with Section 56(3) of the Tamil Nadu Town and Country Planning Act, acknowledged under Receipt No.2018/06/03/000585, dated 03.06.2018.

2. This Court heard the learned counsel on either side.

3. According to the Petitioner, she had purchased a plot, measuring an extent of 8 cents in S.No.86/2, at Naravarikuppam Village, Tiruvallur District and two days earlier to such purchase, i.e. on 13.12.1995, the husband of the Petitioner had also purchased the adjacent plot. The plots being adjacent to the National Highways, namely Grand Trunk Road, they developed

a commercial building. However, no planning permission was obtained for the said building. A complaint was lodged by the neighbour because he had a dispute with the Petitioner on the issue of 'Boundary'. Later, the Petitioner and her husband had applied for regularisation of the building. There were also earlier legal proceedings, which went up to the Honourable Supreme Court, which did not entertain the Special Leave Petition filed against the order of this Court in WP.No.27623 of 2005 and WP.No.3248 of 2006, for which review was sought by means of Review Petition No.63 of 2006, which was also dismissed.

4. At this stage, the Learned Senior Counsel for the Petitioner submits that the Petitioner and her husband had filed WP.No.14767 of 2018 before this Court, praying that the building should not be demolished, pending consideration of the application under Section 56(3) of the Tamil Nadu Town and Country Planning Act, 1971 (herein after referred to as the Act). Though this Court had declined to grant the relief as prayed for, liberty was granted to the Petitioner to invoke the provisions of the Right to Information Act to know about the status of the application filed under Section 56(3) of the Act on 03.06.2018. The Petitioner's husband had preferred an application on 04.06.2018 and received a reply, stating that the same is under scrutiny and an inspection was carried out.

5. The grievance of the Petitioner is that the application filed by the Petitioner and her husband under Section 56(3) of the Act is pending for final disposal, at the hands of the Respondent. Hence, the Petitioner has sought for a direction to the Respondent to dispose of the said application preferred by her and her husband, dated 3.6.2018 under Section 49 read with Section 56(3) of the Act.

6. At this juncture, the Learned Counsel for the Respondent submits that the Respondent will dispose of the application preferred by the Petitioner and her husband, dated 3.6.2018, within a period of eight weeks from the date of receipt of a copy of this order.

7. Considering the fact that the application of the Petitioner and her husband, dated 3.6.2018 filed under Section 49 read with 56(3) of the Act, is pending on the file of the Respondent/CMDA, Chennai, this Court, in the interest of justice, good conscious and even as a matter of prudence, directs the Respondent/ CMDA, Chennai to dispose of the application of the Petitioner and her husband, dated 03.06.2018, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of . No costs.

Sd/-
Assistant Registrar(VIII)

// True Copy//

Sub Assistant Registrar

Srcm

To:

Chennai Metropolitan Development Authority
represented by its Member Secretary
Chennai-8

+1cc to Mr.S.Balasubramanian, Advocate SR.No.58978

WP.No.20619 of 2018

RR(CO)
RMP(19/09/2018)



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