

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.08.2018

Coram:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P.No.20889 of 2018

D.Rajappa

..... Petitioner

vs.

Chennai Metropolitan Development
Authority,
rep.by it Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondent herein to dispose of the Petitioner's Application 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, Sr.counsel
for Ms.S.Suganya

For Respondent : Mr.Karthick Rajan

ORDER

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

Heard both sides.

2.No counter is filed on behalf of the Respondent.

3.According to the Petitioner, on 13.12.1995, he purchased a Plot comprising of 8 cents in Land Survey No.86/2, at Naravarikuppam Village, Red Hills, Thiruvallur District. In the said Plot, a commercial building was developed and the plot being adjacent to National Highways, viz., the Grand Trunk Road, however, no Planning permission was obtained for the said building. His neighbour made a complaint because he had a

dispute with the Petitioner on the issue of boundary. Later, the Petitioner applied for Regularisation of the building and there were previous legal proceedings, which went up to the Hon'ble Supreme Court of India and the Special Leave Petition filed against the Order of this Court in W.P.Nos.27623 of 2005 and 3248 of 2006, for which, Review was sought, by way of Review Petition. All came to be dismissed. In the first round of litigation, the Regularisation issue ended against the Petitioner, because of the reason that he could not exhibit that the construction was completed on or before 31.03.2002.

4.The stand of the Petitioner is that by virtue of the ingredients of Section 56(3) of the Tamil Nadu Town & Country Planning Act, 1971, a portion of the building was demolished, which was said to be required for front space and an Application was filed as per Section 56(3) of the Act 1971. Subsequently, the Petitioner filed W.P.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 Act, 1971. This Court had declined to grant the relief and granted liberty 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, 1971. The Application was filed by the Petitioner on 03.06.2018 and a reply was received stating that the subject matter in issue is under scrutiny and inspection was carried out.

5.In the present Writ Petition, the Petitioner prays for passing of an Order by this Court to dispose of his Application dated 03.06.2018 (filed under Section 56(3) r/w.Section 49 of the Act, 1971).

6.At this stage, the Learned Counsel for the Respondent informs this Court that the Petitioner's Application dated 03.06.2018 will be disposed of by the Respondent within a time frame to be determined by this Court.

7.Considering the fact that the Petitioner's Planning Permission Application is pending on the file of the Respondent and the information dated 19.07.2018, furnished by Public Information Officer and Assistant Planner of the Respondent, shows that the Inspection was carried out and that the file is under scrutiny of the Respondent, as on date, this Court, in the interest of justice, fair play, equity, good conscience and even as a matter of prudence, directs the Respondent/Member Secretary, Chennai Metropolitan Development Authority, Egmore, Chennai-8, to dispose of the Petitioner's pending Application dated 03.06.2018, on merits and in accordance with Law, within a period of six weeks from the date of receipt of copy of this order.

With the above observations/directions, the Writ
Petition shall stand disposed of. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

msk

To

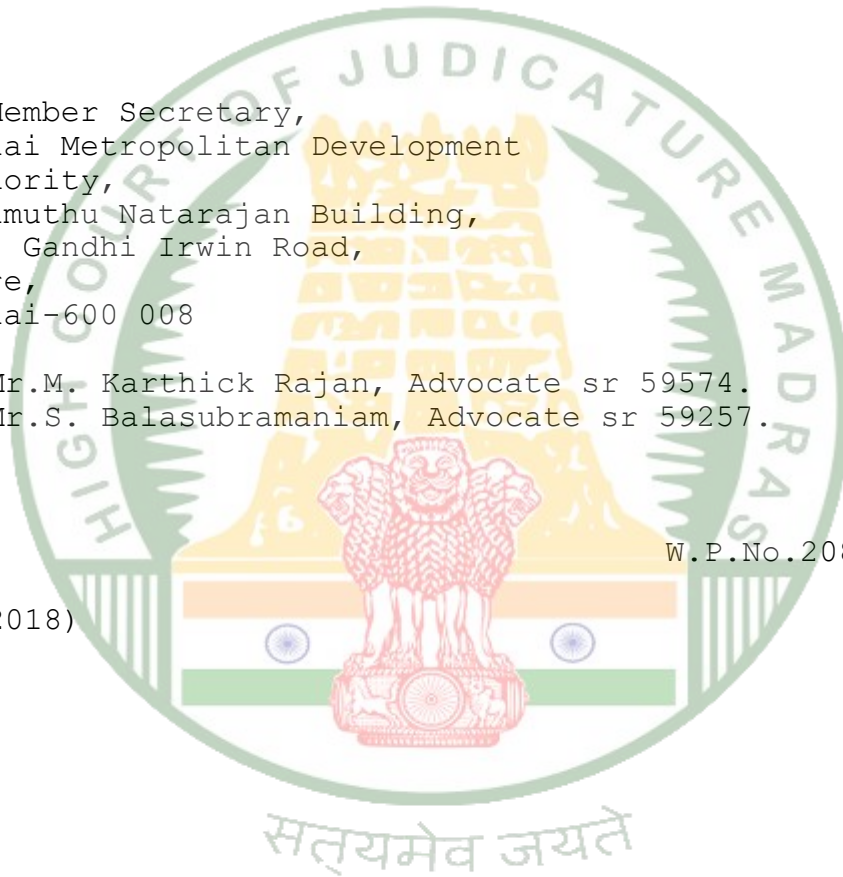
The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008

+1 CC to Mr.M. Karthick Rajan, Advocate sr 59574.

+1 CC to Mr.S. Balasubramaniam, Advocate sr 59257.

W.P.No.20889 of 2018

SP(06/09/2018)



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