

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.17861 of 2018
and WMP.No.21155 of 2018

M/s.Doveton Oakley Nursery and
Primary School,
Rep. by its Authorized Signatory,
Mr.M.A.Azeez.Petitioner

Vs.

1. The District Collector,
Office of the Collector of Chennai,
No.32, Ma.Singaravelar Maligai,
Rajaji Salai,
Chennai - 600 001.
2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the petitioner's application dated 07.06.20218 for regularisation of petitioner's School Buildings.

For Petitioner : Mr.J.Ashok
For Respondents : Mr.B.Anand, G.A., for R1
Mr.P.S.Ganesh, for R2

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the first respondent and the learned Standing Counsel for the second respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the application dated 07.06.2018, for regularisation of the School Buildings in a time frame.

3. According to the petitioner, the School is being run for 50 years in the building, which was constructed 100 years ago. The petitioner would claim that the building was constructed with permission from the authority and now the respondents are insisting to regularise the building under the Town and Country Planning Act. Though there is no need to seek for regularisation, the petitioner has already paid the entire regularisation fee of Rs.5,70,407/- on 11.06.2018. Despite the payment of the entire amount, the application is not taken up and no order has been passed. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that the representation of the petitioner dated 02.07.2018 is pending with the second respondent and it would suffice, if a direction is given to dispose of the said representation.

5. The learned Standing Counsel for the second respondent submitted that in a Public Internet Litigation, the First Bench of this Court in W.P.No.23889 of 2017, by an order dated 11.09.2017, has observed that the applications for regularization may be entertained and processed, but no final decision thereon shall be taken without the leave of the Court and hence, the application of the petitioner would be considered accordingly.

6. In the light of the above facts, the second respondent shall process the application and pass orders on merits and in accordance with law, after disposal of the Writ Petition in W.P.No.23889 of 2017. Till such time, the respondents shall not take any coercive action against the petitioner.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS-VIII)

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Sub Assistant Registrar

pvs

To

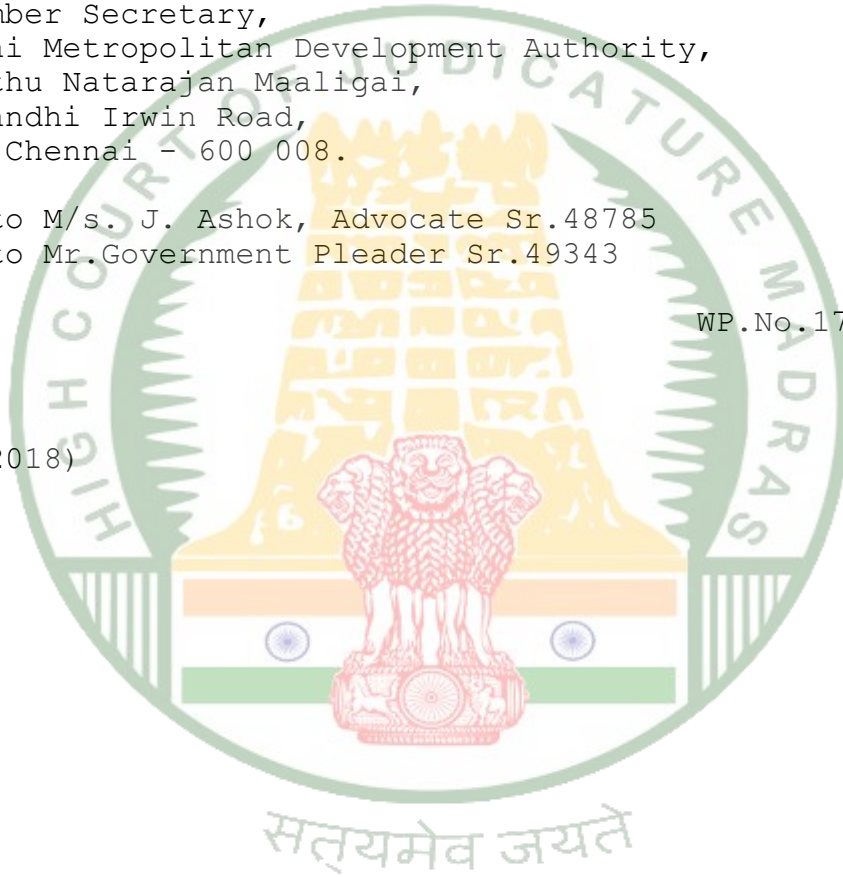
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+ 1 cc to M/s. J. Ashok, Advocate Sr.48785
+ 1 cc to Mr.Government Pleader Sr.49343

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(CS-VIII)
EU(06/08/2018)



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