

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.19121 of 2018

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.The Government of India,
Rep.by its Director (Consultant),
Ministry of Culture,
National Monument Authority,
No.24, Tilak Marg,
New Delhi.

3.Archaeological Survey of India,
Rep.by its Competent Authority,
Chennai Circle, Fort St.George,
Chennai - 600 009.

.... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 2 and 3 to consider and pass orders expeditiously in accordance with law on the petitioner's application for issuance of No Objection Certificate vide application No.F.No.185/NMA/CA(TN)/2016/2987, dated 31.5.2017, represented on 11.6.2018 for grant of approval for the proposed construction at site No.117/169, Broadway, in R.S.No.11487/1, Block No.94, Fort Tondiarpet Taluk, Chennai District, Tamil Nadu vide APU No.1050/14, dated 26.12.2014.

For Petitioners : Mr.D.S.Rajasekaran

For Respondents : Mr.P.Tamilmani
Standing counsel for R1
Mr.G.Karthikeyan
Assistant Solicitor General
of India for R2 and R3

O R D E R

Heard Mr.D.S.Rajasekaran, learned counsel for the petitioners, Mr.P.Tamilmani, learned Standing Counsel for the first respondent and Mr.G.Karthikeyan, learned Assistant Solicitor General of India for the respondents 2 and 3.

2. The petitioners pray for issuance of a writ of mandamus, directing the respondents 2 and 3 to consider his application dated 31.5.2017, represented on 11.6.2018, for grant of approval for the proposed construction.

3. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the third respondent to consider the application of the petitioners.

4. The learned Assistant Solicitor General of India appearing for the respondents 2 and 3 submitted that the application of the petitioners would be considered in accordance with law.

5. In the light of the above submissions and the limited scope of prayer sought for in this writ petition, this Court, without going into the merits of the case, directs the third respondent to consider the application of the petitioners dated 31.05.2017, represented on 11.06.2018 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to all the necessary parties.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

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

2.The Director (Consultant),
The Government of India,
Ministry of Culture,
National Monument Authority,
No.24, Tilak Marg,
New Delhi.

3.The Competent Authority,
Archaeological Survey of India,
Chennai Circle, Fort St.George,
Chennai - 600 009.

+1cc to Mr.P.Tamilmani, Advocate SR.No.53416
+1cc to Mr.G.Karthikeyan, Advocate SR.No.53306
+1 cc to D.S.Rajasekaran, Advocate SR.No.52753

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SMI/23.08.2018



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