

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10547 of 2011

and

M.P.No.2 of 2011

B.Mohan Reddy

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by its
Commissioner and Secretary to Government
Housing and Urban Development Department
Fort St.George, Chennai - 9.

2. The Member-Secretary
Chennai Metropolitan Development Authority
Chennai 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent's vide G.O.(3D)No.11 Housing and Urban Development (UD-V) Department dated 04.03.2011 confirming the orders of the 2nd respondent vide Letter No.B2/25375/2005 dated 20.04.2006, pertaining to the rejection of the petitioner's Planning Permission Application in respect of the building situated at Door No.1/74, New Mahabalipuram Road in S.No.235/9A1, A2 of Kottivakkam Village and to quash the same and consequently to direct the 1st and 2nd respondents to regularize the above building in accordance with law.

For Petitioner : Mr.P.Arivudainambi

For Respondents : Mrs.K.Bhuvaneswari,
AGP, for R1.
Mr.P.S.Ganesh,
CMDA for R2.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent's vide G.O.(3D) No.11, Housing and Urban Development (UD-V) Department, dated 04.03.2011,

confirming the orders of the 2nd respondent vide Letter No.B2/25375/2005 dated 20.04.2006, pertaining to the rejection of the petitioner's Planning Permission Application in respect of the building situated at Door No.1/74, New Mahabalipuram Road in S.No.235/9A1, A2 of Kottivakkam Village and to quash the same and consequently to direct the 1st and 2nd respondents to regularize the above building in accordance with law.

2. The petitioner has submitted an Application dated 09.02.2005 before the second respondent and the same was not considered by them and the petitioner was asked to submit a fresh application. The petitioner, once again, submitted the application on 06.10.2005 and it was rejected. Against which, the petitioner has preferred an appeal under Section 79 of the Tamil Nadu Town and Country Planning Act, 1971. In the meanwhile, the first respondent has passed an order in G.O.Ms.130 H & UD Department dated 09.06.2008, whereby it lifted the ban order issued in the GO.Ms.190 H & UD Department dated 23.02.1980. While so, the second respondent has mechanically submitted a report on 07.10.2009 and based on the same, the petitioner was required to send his representation. On receipt of the same, the petitioner in his letter dated 07.02.2010, sought for extension of time till 31.03.2010.

3. At this juncture, the first respondent passed an impugned order, dated 04.03.2011. Challenging the same, the present Writ Petition is filed.

4. The petitioner has filed an application for exemption of Buildings under Section 113-C of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972). In view of the said application, the present writ petition become infructuos.

5. This Court, without going into the merits of the present case is inclined to close this Writ Petition in accordance with the order passed by the Division Bench of this Court in WP.No.23889 of 2017, dated 11.09.2017. The relevant paragraph is extracted hereunder:

"Applications for regularization may be entertained and processed, but no final decision thereon shall be taken without leave of the Court."

6. Accordingly, the present writ petition stand closed. No costs. Consequently, connected miscellaneous petition is closed.

Kmm

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner and Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Fort St.George, Chennai - 9.

2. The Member-Secretary
Chennai Metropolitan Development Authority
Chennai 600 008.

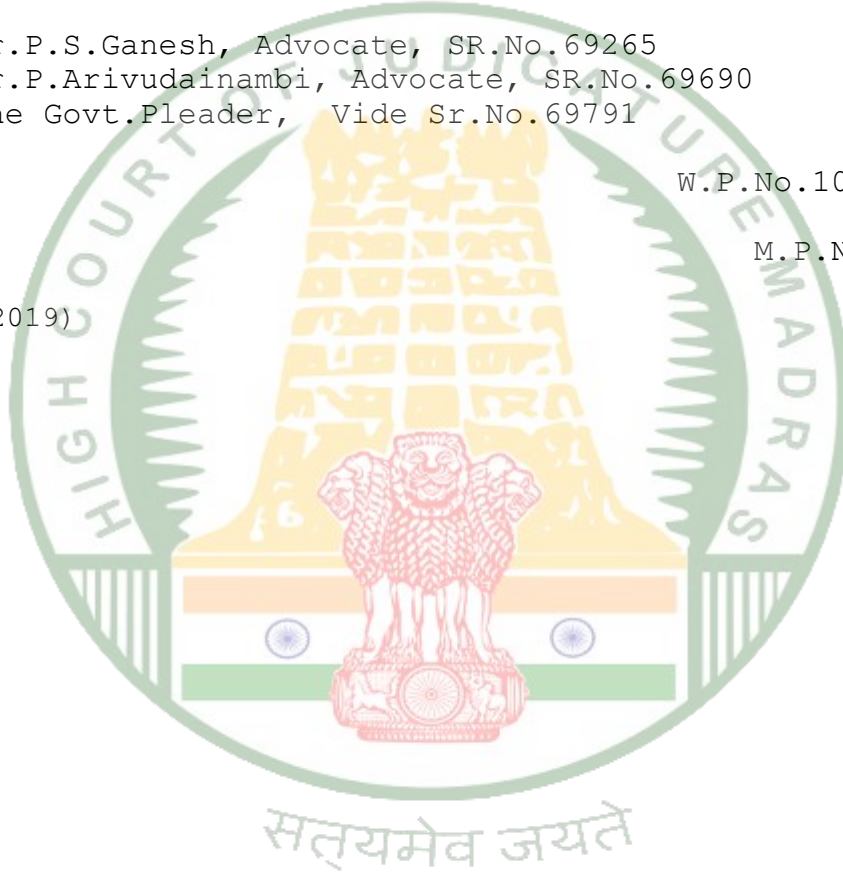
+1cc to Mr.P.S.Ganesh, Advocate, SR.No.69265

+1cc to Mr.P.Arivudainambi, Advocate, SR.No.69690

+1cc to the Govt.Pleader, Vide Sr.No.69791

W.P.No.10547 of 2011
and
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Kak(14/10/2019)



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