



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.36092 of 2007

and

M.P.No.1 of 2007

M/s.West Top Investments (India) Pvt. Ltd.,
rep by its Authorized Signatory Dayalan,
No.72, Nungambakkam High Road,
Chennai - 600 034.

.. Petitioner

Vs.

1.Chennai Metropolitan Development Authority,
rep by the Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Deputy Planner,
Enforcement Cell (Central),
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records of the 1st respondent in Letter No.REG/C6/19892/99 dated 20.06.2007 rejecting the regularisation application of the petitioner for the building situated at Old R.S.No.28, T.S.No.4719 of T.Nagar Division in Door No.56, Kodambakkam High Road, Chennai - 17 submitted by the petitioner and quash the same and consequently direct the 1st respondent to consider the application of the petitioner for regularization of its building at property situated at Old R.S.No.28, T.S.No.4719 of T.Nagar Division in Door No.56, Kodambakkam High Road, Chennai - 17 after giving personal hearing.

For Petitioner : Mr.C.Ramesh

For Respondents: Mr.P.S.Ganesh

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of certiorarified mandamus to call for the records of the 1st respondent dated 20.06.2007 rejecting the



regularization application of the petitioner for the building situated at Old R.S.No.28, T.S.No.4719 of T.Nagar Division in Door No.56, Kodambakkam High Road, Chennai - 17 submitted by the petitioner and to quash the same and to consequently direct the 1st respondent to consider the application of the petitioner for regularization of its building after giving personal hearing.

2.It is the case of the petitioner that they submitted a regularization application under 1919 Regularization Scheme and the same was rejected on 27.04.2007 since the building was not completed prior to 28.02.1999. Thereafter, the application was re-examined by the Monitoring Committee and the Committee also rejected the application finding that the petitioner had not produced any evidences to prove that the building was completed prior to 28.02.1999. Even after the rejection order dated 06.03.2007, further representation given by the petitioner on 22.03.2007 and 20.04.2007 were re-examined and a revised order was issued on 20.06.2007 which is impugned in this Writ Petition.

3.The learned counsel appearing for the respondents submitted that as against the impugned order dated 20.06.2007, the petitioner has filed an appeal before the Secretary to Government, Housing and Urban Development Department, and the same is pending.

4.The learned counsel appearing for the petitioner submitted that the Appellate Authority viz., The Secretary to Government, Housing and Urban Development Department may be directed to dispose of the appeal within a time frame.

5.Since the petitioner has challenged the impugned order dated 20.06.2007 before the Appellate Authority, we are not inclined to entertain the Writ Petition. However, it would be suffice to direct the Appellate Authority to dispose of the appeal filed by the petitioner within a time frame. Accordingly, we direct the Secretary to Government, Housing and Urban Development Department, Fort St.George, Chennai to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Deputy Planner,
Enforcement Cell (Central),
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.

+lcc to Mr.G.Ramesh, Advocate, S.R.No. 60971
+lcc to Mr.PS.Ganesh, Advocate, S.R.No. 61115

W.P.No.36092 of 2007 and
M.P.No.1 of 2007

SSD(CO)
GN(14/08/2019)