

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.4430 of 2006 and

W.M.P. No.4749 of 2006

K.K. Agarwal

... Petitioner

v.

1 The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 8.

2 State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 8.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari Mandamus, calling for the records relating to the proceedings of the 2nd respondent passed in G.O.(D) No.558, Housing and Urban Development (UD-vi) Department, dated 29.09.2005 and quash the same and consequently direct the respondents to regularize the building of the petitioner in Plot No.15, R.S.No.1/1C/3, situated at Sholinganallur Village, Chennai - 119.

For Petitioner : Mr.K.M. Vijayan, Senior Counsel
for Mr.R.Suresh Kumar

For Respondents: Mr.P.S. Ganesh - for R1

Mr. V.Jayaprakash Narayanan
Government Pleader (i/c) - for R2

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari Mandamus to call for the records relating to the proceedings of the 2nd respondent passed in G.O.(D) No.558, Housing and Urban Development (UD-vi) Department, dated 29.09.2005, to quash the same and consequently direct the respondents to regularize the building of the petitioner in Plot No.15, R.S.No.1/1C/3, situated at Sholinganallur Village, Chennai - 119.

2. When there was restriction with regard to the putting up construction in the Coastal Zone Area within 500 meters from HTL, the petitioner put up construction within 216 meters from HTL. Therefore, by the impugned order dated 29.09.2005, the appeal filed by the petitioner was rejected for regularizing the construction put up by him.

3. Mr.K.N.Vijayan, learned Senior Counsel appearing for the petitioner, submitted that in view of the amendment made to the Coastal Zone Regularization Rules, the petitioner can put up construction beyond 50 meters from HTL and since the petitioner had put up construction in 216 meters from HTL, the petitioner may be permitted to give fresh application and the 1st respondent may be directed to consider the same in accordance with law.

4. The learned counsel appearing for the 1st respondent has no objection for giving such liberty to the petitioner.

5. In view of the submissions made by the learned counsel on either side, it is open to the petitioner to give fresh application to the 1st respondent for regularizing the construction put up by the petitioner in 216 meters from HTL. In the event of the petitioner submitting such an application, the 1st respondent shall decide the same, on merits and in accordance with law.

With these observations, the Writ Petition is disposed of.
No costs.

sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

Rj

To

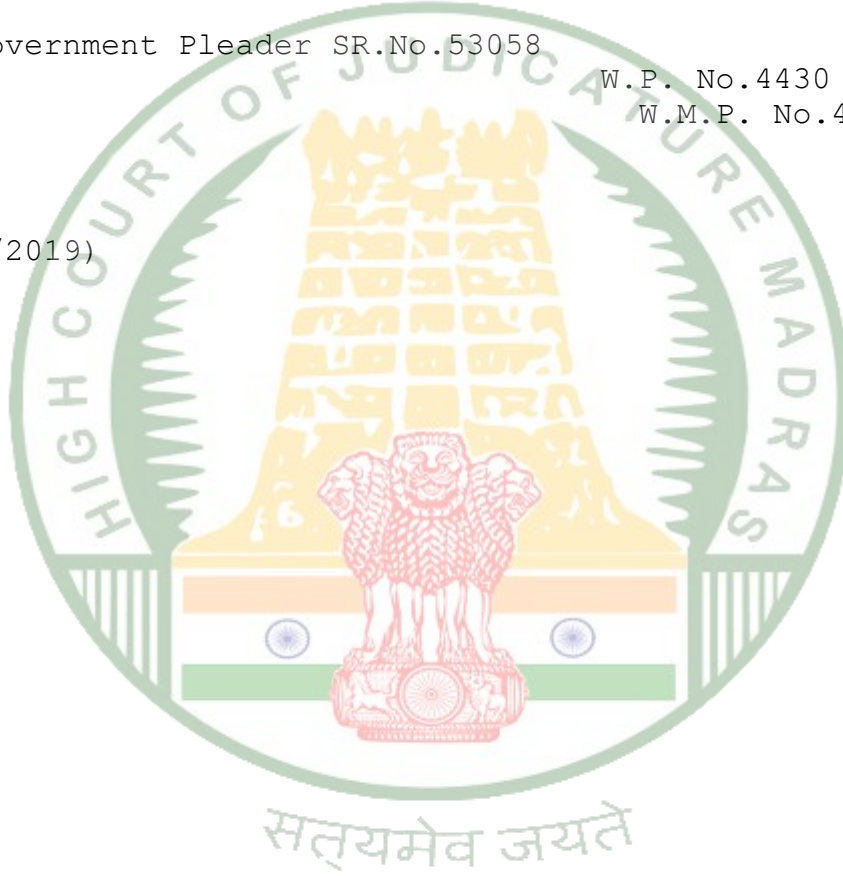
- 1 The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 8.
- 2 The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 8.

+1cc to Mr.R.Suresh Kumar, Advocate SR.No.53058

+1cc to Government Pleader SR.No.53058

W.P. No.4430 of 2006 and
W.M.P. No.4749 of 2006

RK (CO)
GMY (10/07/2019)



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