

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.4586 of 2019

G.Velusamy

.. Petitioner

-vs-

1.The Director,

Town and Country Planning,
O/o. Town and Country Planning,
No.807, Anna Salai,
Chennai.

2.The Member cum Secretary,

Tiruppur Town and Country Planning Committee,
No.377, Kamarajar Salai,
Tiruppur.

3.The Commissioner,

Tiruppur Municipal Corporation,
Tiruppur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents to consider the building regularization application of petitioner bearing Ref.No.201802802022067-03 in respect of building comprised in Survey No.119/1C-3 situated at Neruperichal Village, Tiruppur Taluk, Tiruppur District within time stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent Nos.1 and
2

Mrs.P.Shanthi
for respondent No.3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.K.Myilsamy, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent Nos.1 and 2 and Mrs.P.Shanthi, learned counsel for respondent No.3.

2. The case of the petitioner is that on 06.04.2018, he had submitted building regularization application bearing reference No. 201802802022067-03 in respect of the building comprised in Survey No.119/1C-3 situated at Neruperichal Village, Tirupur Taluk, Tirupur District. The prayer of the petitioner is that the said application be considered within a time frame stipulated by this Court.

3. The learned Government Pleader (i/c) appearing for respondent Nos.1 and 2 has tendered counter-affidavit of respondent No.2 i.e., the Member Secretary, Tiruppur Local Planning Authority, Tiruppur, wherein it is stated that the petitioner had directly uploaded application on eDCR website and had also submitted drawing/plan through online scrutiny to get eDCR scrutiny report. It is stated that an application irrespective of being in proper format or not, when the same is uploaded by an applicant, it automatically assigns an auto generated application reference number and eDCR scrutiny number. It is further stated in the counter-affidavit that every applicant after obtaining online submission reference number has to physically apply for permission with additional documents as given in the checklist. Hence, the submission of online application is only the basic step for filing application for grant of

permission and it needs to be followed with further documents, which are to be physically submitted in the office of respondent No.2.

4. The counter-affidavit of respondent No.2 further states that the petitioner's application was one of such an irregular application and the petitioner had not physically submitted any application for planning permission in the office of respondent No.2 till 07.01.2019. By letter dated 07.01.2019, the office of respondent No.2, communicated to the petitioner that he has to furnish information with regard to submission of planning permission application. In reply, the petitioner submitted copy of eDCR scrutiny report on 23.01.2019. The stand of respondent No.2 in the counter-affidavit is that as the petitioner had not properly submitted the application as requested by them, hence, the letter which was written to respondent No.2 was returned by Roc.No.112/2019/TLPA, dated 24.01.2019 with a clear direction to the petitioner to submit the application with all hard copies of documents as per checklist, receipt of scrutiny fees, downloaded copy of online application and eDCR scrutiny report. As the petitioner had not submitted any application as requested till date, the prayer of the petitioner to consider the building regularization application bearing reference No. 201802802022067-03 could not be considered.

5. In view of the contents of the counter-affidavit of respondent No.2, the learned counsel for the petitioner submitted that the petitioner will apply with all the requirements as stated by respondent No.2 in its counter-affidavit.

6. If the petitioner submits application with all the requirements as stated in the counter-affidavit of respondent No.2, the concerned respondent to consider the said application as expeditiously as possible, keeping in mind the direction of this Court passed in W.P.No.23889 of 2017, dated 11.09.2017.

7. The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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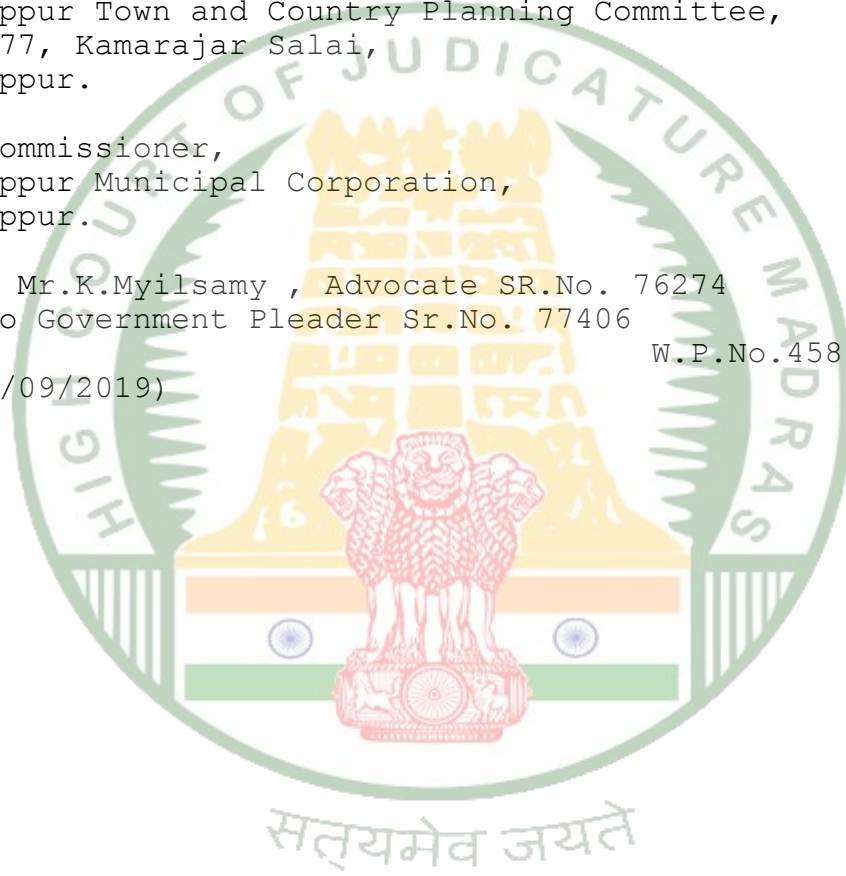
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+1cc to Mr.K.Myilsamy , Advocate SR.No. 76274

+1 cc to Government Pleader Sr.No. 77406

W.P.No.4586 of 2019

A.SK(24/09/2019)



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