

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22-01-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33162 of 2005

P.L.Sivagama

.. Petitioner

vs

1.The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Iruwin Road,
Egmore,
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 of the first respondent in G.O.(D) No.293, Housing and Urban Development (UD6) Department, dated 13.6.2005 and quash the same and direct the respondents to regularise the construction made in ground Floor plus 3 Floor part residential building with 3 dwelling unit door No.10, 11th Trust Cross Stret, Mandavelipakkam, R.A.Puram, Chennai-28 as per petitioner's representation dated 18.6.2002 with application 25360 made to the second respondent.

For Petitioner : Mr.S.Balasubramanian

For Respondent-1 : Mr.Akhil Akbar Ali,
Government Advocate.

For Respondent-2 : Ms.P.Veena Suresh

O R D E R

The rejection of an appeal submitted by the writ petitioner to regularise the building violations in respect of the building belongs to the writ petitioner, is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner had constructed a Residential Building with ground plus three floors part in T.S.4436/224 Block No.98, Mandavelipakkam Village, Chennai. The construction of the building had been completed during the year 1991 and the writ petitioner is paying the property tax to the Corporation for the year 1993-1994.

3. On account of certain violations in respect of the building constructed by the writ petitioner, the writ petitioner made an application to regularise the same. However, the said application was rejected by the Secretary to Government in G.O.(D) No.293, Housing and Urban Development (UD6) Department, dated 13.6.2005.

4. The Government Order impugned states that any aerial projections would pose problem for the rescue personnel at times of emergencies like fire etc. The High Court also upheld rejection order in a similar case by its order dated 29.7.2004 in WP No.20404 of 2004.

5. Projection in the public road is certainly impermissible as per the Building Rules. Therefore, the rejection order passed in this regard for regularisation of the unauthorised construction is in accord with law and there is no infirmity as such.

6. In view of the fact that such road projections constructed by the writ petitioner cannot be regularised as per the Building Rules in force, and the relief, as such, sought for in the present writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

WEB COPY 22-01-2019

Index:Yes.
Internet: Yes.
Speaking Order
Svn

S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Iruwin Road,
Egmore,
Chennai-600 008.

W.P.No.33162 of 2005



WEB COPY

22-01-2019