

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.8557 of 2019

R.Nalini

.. Petitioner

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Secretariat, Fort St.George
Chennai - 600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Buildings
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 3 The Executive Engineer
Greater Chennai Corporation
Zonal Office No V
Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing respondents 2 and 3 to consider the building regularization application of the petitioner bearing No.OBPA/03/0035/2019 registered as new plan Submission No.PPA/WDCNO5/00067/2019, dated 4.1.2019 in respect of petitioner building comprised in Re-survey No.587/1 subdivided T.S.No.587/4 situated at Old Door No.68, New Number 6, Perumal Street, Egmore, Chennai-8 within a stipulated time.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for 1st respondent

Mr.P.S.Ganesh
for 2nd respondent

Dr.C.Ravichandran
for 3rd respondent

ORDER

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

Heard Mr.K.Myilsamy, learned counsel for the petitioner; Mr.S.N.Parthasarathi, learned Government Advocate for the first respondent; Mr.P.S.Ganesh, learned counsel for the second respondent and Dr.C.Ravichandran, learned counsel for the third respondent.

2. The prayer of the petitioner is that directions be issued to respondents 2 and 3 to consider the building regularization application of the petitioner bearing No.OBPA/03/0035/2019 registered as new plan Submission No.PPA/WDCNO5/00067/2019, dated 4.1.2019 in respect of petitioner's building comprised in Re-survey No.587/1 subdivided T.S.No.587/4 situated at Old Door No.68, New Number 6, Perumal Street, Egmore, Chennai-8.

3. The learned counsel for the third respondent, i.e., the Executive Engineer, Greater Chennai Corporation, Zonal Office No.V, Chennai, pointed out that the building under construction was not as per the Rules and, hence, the proposal was returned.

4. The learned counsel for the petitioner drew our attention to the communication dated 8.3.2019 addressed by the Executive Engineer, Greater Chennai Corporation, Chennai to the petitioner, wherein it is stated that the planning permission application was returned unapproved, as the building under construction was not as per the building Rules. However, in the very same communication, it is stated that the planning permission application may be resubmitted along with the requested documents/clarifications.

5. The learned counsel for the Corporation states that if the planning permission application is resubmitted by the petitioner along with the requested documents/clarifications,

they will consider it within a period of four weeks of receiving the same. Thereupon, the learned counsel for the petitioner stated that the petitioner will resubmit the application within a period of three weeks from today.

6. In view of the above submissions, the petitioner is granted three weeks time from today to resubmit the application with the requested documents/clarifications and the third respondent to dispose it of within four weeks of receipt of the same.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

sasi

To:

- 1 The Secretary to Government
State of Tamil Nadu
Housing and Urban Development Department
Secretariat, Fort St. George
Chennai - 600 009.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Buildings
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 3 The Executive Engineer
Greater Chennai Corporation
Zonal Office No V
Chennai.

+1cc to Mr.K.Myilsamy, Advocate SR.No.57129

+1cc to Mr.P.S.Ganesh, Advocate SR.No.56797

+1cc to Mr.C.Ravichandran, Advocate SR.No.56783

+1cc to Government Pleader, High Court, Madras SR.No.57306

W.P.No.8557 of 2019

GP (CO)
GMY (19/07/2019)



WEB COPY