

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.20853 of 2019 and

W.M.P.No.20067 of 2019

K.Devendiran

.. Petitioner

Vs.

1.The Secretary,

Housing and Urban Development Department,

Secretariat,

Chennai - 600 009.

2.The Executive Engineer/Zone-14,

Greater Chennai Corporation, Zonal Office-14,

No.6/64, Puzhuthivakkam Main Road,

Puzhuthivakkam,

Chennai - 600 091.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to call for the records of the 1st respondent in proceedings No.26612/UD-VII (2)/2018-3 dated 05.07.2019 in rejecting the petitioner's appeal filed under Section 80-A of the Town and Country Planning Act as against locking and sealing decision of the officials of the 2nd respondent for the building put up at Survey No.70, Pallikaranai Village, Greater Chennai Corporation bearing Door No.4, Sri Nageshwari Amman Nagar, 3rd Street, Pallikaranai, Chennai - 600 100 by quashing the same and consequently, direct the respondents to regularize the building put up in the aforementioned property.

For Petitioner : Mr.D.Vijayan

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate (R1)
Dr.C.Ravichandran (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 of the 1st respondent pertaining to the proceedings dated 05.07.2019 in rejecting the petitioner's appeal filed under Section 80-A of the Town and Country Planning Act as against locking and sealing decision of the officials of the 2nd respondent for the building put up at Survey No.70, Pallikaranai Village, Greater Chennai Corporation bearing Door No.4, Sri Nageshwari Amman Nagar, 3rd Street, Pallikaranai, Chennai - 600 100 by quashing the same and consequently, direct the respondents to regularize the building put up in the said property.

2.The learned counsel for the petitioner submitted that by order dated 05.07.2019, the 1st respondent rejected the request of the petitioner for extending the interim stay of enforcement action for a further period of six months. By order dated 03.04.2019, the 1st respondent granted interim stay to the petitioner till 30.06.2019 and the petitioner was instructed to obtain patta and apply for planning permission and till such date, the Greater Chennai Corporation was informed to stop all further enforcement proceedings relating to the said building. It was informed by the learned counsel for the petitioner that the interim stay was extended by the 1st respondent on 17.07.2019 till 17.08.2019. Further, the 1st respondent made it clear that if the petitioner fails to obtain patta on that date and apply for planning permission, the interim stay shall stand vacated. The Chennai Metropolitan Development Authority and the Corporation were also informed to pursue action accordingly. Challenging this order, the petitioner filed the Writ Petition.

3.When the Writ Petition was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner has applied for patta as early as in the year 2014, however, he has not obtained the same yet. Further, the learned counsel submitted that the petitioner is also filing a Writ Petition to direct the authority to issue patta in his favour. Further, the learned counsel submitted that it would be suffice to direct the Chennai Metropolitan Development Authority and Corporation to decide the matter with the available materials produced by the petitioner.

4.The learned counsel for the respondents have no objection for giving such a direction.

5.In view of the submissions made by the learned counsel on either side, the Chennai Metropolitan Development Authority and the Greater Chennai Corporation shall decide the matter with the available materials produced by the petitioner. It is also open

to the petitioner to approach the 1st respondent for further extension of the interim order.

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

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Executive Engineer/Zone-14,
Greater Chennai Corporation, Zonal Office-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai - 600 091.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+1cc to Mr.D.Vijayan, Advocate SR.No.70905

+1cc to Dr.C.Ravichandran, Advocate SR.No.70161

+1cc to Government Pleader SR.No.70870

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VG I (CO)
GMY (09/09/2019)