

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.13379 of 2017

and

WMP.14411 and 14412 of 2017

Mehul S.Parekh

.. Petitioner

vs.

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Fort St. George, Chennai - 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai - 600 008.
- 3.The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
- 4.The Executive Engineer,
Zone - V Corporation of Chennai,
No.153, Dr.Ambedkar Colony,
Pulianthope,
Chennai - 600 002.

5.A.D.Jain

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records culminating in the notice vide Notice No.Dn.58/021-5/2017 dated 09.05.2017 of the fourth respondent and quash the same.

For Petitioner : Mr.K.Shakespeare

For Respondents: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent No.1

Mr.Karthick Rajan, Standing Counsel,
for respondent No.2

Mr.V.C.Selvasekaran, Standing Counsel,
for respondent Nos.3 and 4

O R D E R

(Order of the Court was made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records culminating the notice dated 09.05.2017 of the fourth respondent and to quash the same.

2. When the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that in view of the order passed by a Division Bench of this Court dated 05.06.2017 in W.P.No.8907 of 2017, the relief sought for in this writ petition is only academic. In the order dated 05.06.2017 in W.P.No.8907 of 2017, the Division Bench of this Court held as follows:

"13. We make it clear that this order or the contents of this order will not preclude the appropriate authorities under the TCP Act from processing the application for approval said to have been made by the petitioner under Section 49 of the TCP Act on 11.1.2016. If the authorities choose to do so, they shall do so untrammelled by this order and without being swayed by the contents of this order. We further make it clear that the issue of considering the application under Section 49 of TCP Act said to have been filed on 11.1.2016 will arise only if it is pending as of today. To make it abundantly clear, the issue will not arise if it has either not been filed or if it has been filed and disposed of.

14. We also make it clear that this order will not enable the writ petitioner to file a fresh application under Section 49 of TCP Act if it has not been already filed on 11.01.2016 as claimed by the writ petitioner."

3. The learned counsel appearing for the second respondent submitted that the petitioner has not submitted any application under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 so far.

4. In view of the earlier order passed by the Division Bench of this Court dated 05.06.2017 in W.P.No.8907 of 2017, no further order is required to be passed in the present writ petition. Accordingly, the writ petition is closed. No costs. Consequently, W.M.P.Nos.14411 and 14412 of 2017 are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Housing and Urban Development Department,
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No.153, Dr.Ambedkar Colony,
Pulianthope,
Chennai - 600 002.

+1cc to Mr.Karthik Rajan, Advocate, S.R.No.31786

+1cc to Mr.K.Shakespeare, Advocate, S.R.No.30151

W.P. No.13379 of 2017
and

WMP.14411 and 14412 of 2017

SSI (CO)

RRS (02/05/2019)