

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14049 of 2020

A.Subramanian

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Housing and Urban Development Dept.,
Secretariat, Chennai-9.
2. The Additional Secretary (Technical)
Government of Tamil Nadu,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
3. The Commissioner,
Pallavaram Municipality, office at the New Colony,
Chrompet, Chennai-600 044.
4. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai-8.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent to consider the representation dated 11.03.2020 of the petitioner and to pass orders thereon directing the respondents 3 and 4 to implement the order dated 06.03.2019 passed in the statutory appeal preferred by the petitioner within a stipulated time,

For Petitioner : Mr.S.Sathish Kumar

For Respondents: Mr.G.Rajesh - R1 & R2

Government Advocate

Mr.P.Srinivasan - R3

Standing Counsel

Mr.Tamil Mani - R4

Standing Counsel

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 11.03.2020

wherein the petitioner sought for the implementation of the order passed in the Statutory Appeal, dated 06.03.2019.

2. The case of the petitioner is that he purchased the subject property by way of a registered sale deed dated 22.04.2016. The petitioner wanted to demolish the existing structure and put up a new construction. He submitted an application for demolition of the existing building and for a planning permission to put up a new building, in the year 2016. The permission sought for by the petitioner was rejected by the 3rd respondent through proceedings dated 22.03.2016. The petitioner, thereafter, applied for a No-Objection Certificate from the Tahsildar, Pallavaram in order to resubmit the application and get the planning permission. The Tahsildar also issued a No- Objection Certificate by proceedings dated 04.10.2017.

3. The petitioner, thereafter, preferred a Statutory Appeal against the order passed by the third respondent under Section 79 of the Town and Country Planning Act before the Government. The enquiry was conducted and final orders were passed on 06.03.2019. The Statutory Appeal was allowed and the Municipality was directed to submit the reclassification proposal to Chennai Metropolitan Development Authority (CMDA) and the CMDA was directed to expedite the process within a period of three months.

4. The further case of the petitioner is that the petitioner made a representation dated 11.03.2020 to the first respondent to pass further orders and that the same did not evoke any response. Therefore, left with no other alternative, the present writ petition has been filed before this Court.

5. Heard Mr.S.Sathish Kumar, learned counsel for the petitioner, Mr.G.Rajesh, learned Government Advocate appearing on behalf of the respondents 1 and 2, Mr.P.Srinivasan, learned Standing Counsel, appearing on behalf the 3rd respondent and Mr.Tamil Mani, learned Standing Counsel appearing on behalf of the 4th respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to consider the representation made by the petitioner on 11.3.2020 strictly in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all relevant documents and also a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Principal Secretary ,
Housing and Urban Development Dept.,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Additional Secretary (Technical)
Government of Tamil Nadu,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
3. The Commissioner,
Pallavaram Municipality, office at the New Colony,
Chrompet, Chennai-600 044.
4. The Member Secretary,
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No.1 Gandhi Irwin Road,
Egmore, Chennai-8.

+1cc to Mr.S.Mani , Advocate SR.No. 33191

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