

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.15006 of 2020
and W.M.P.No.18682 of 2020

S.Nachiappan

... Petitioner

Versus

- 1.The Government of Tamil nadu
rep. By its Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai.
- 2.The Chennai Metropolitan Development Authority,
rep.by its Member Secretary,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 3.The Commissioner,

Greater Chennai Corporation,
Chennai 600 003.

.. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records in respect of Letter No.Reg.MSB/C/6/52242/2000 dated 21.09.2020 of the 2nd respondent and quash the same and consequently direct the respondents to regularise the petitioner's Flat bearing No.7, Third Floor, Plot No.41, T.S.No.35672/20 Block NO.71, Luz Avenue, Mylapore, Chennai 600 004.

For Petitioner :Mr.AR.L.Sundaresan
Senior Counsel
for Ms.AL.Ganthimathi

For Respondents :Mr.M.Elumalai
Additional Government Pleader for R1
Mr.Karthik Rajan, Standing Counsel for R2
Mr.K.Raja Srinivas, Standing Counsel for R3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J..]

Heard the submission of Mr.AR.L.Sundaresan, learned Senior counsel assisted by Ms.AL.Ganthimathi, learned counsel appearing for the petitioner and Mr.Karthik Rajan, learned counsel for the 2nd respondent.

2. The matter in issue pertains to the impugned order of rejection passed by the 2nd respondent as to the regularisation of the exiting individual flats at Door No.7, Third Floor, Plot No.41, T.S.No.35672/20 Block No.71, Luz Avenue, Mylapore, Chennai 600 004.

3. After some arguments, the learned Senior Counsel appearing for the petitioner, on instructions, would submit that since the petitioner is having an effective alternative remedy under Sub-Section 6 of Section 113(A) of the Town and Country Planning Act, 1971, he may be permitted to avail the said remedy and also instructs the counsel on record to send necessary endorsement to the Registry of this Court through e-mail.

4. Heard Mr.M.Elumalai, learned Additional Government Pleader for the 1st respondent, Mr.Karthik Rajan, learned Standing Counsel appearing for the 2nd respondent and Mr.K.Raja Srinivas, learned Standing Counsel appearing for the 3rd respondent.

M.SATHYANARAYANAN, J.,
AND
R.HEMALATHA.,J.
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5. In the light of the same, the Writ Petition is dismissed as withdrawn and if the petitioner is so advised and if it is available to him under law, he is always at liberty to avail the appeal remedy under Section 113(A)(6) of the Town and Country Planning Act within a period of two weeks from the date of receipt of a copy of this order before the 1st respondent and upon receipt of the same, the 1st respondent may entertain the appeal, if the papers are otherwise in order without insisting on limitation and give a disposal on merits and in accordance with law as expeditiously as possible.

6. Registry is directed to return the original impugned order to the counsel on record subject to necessary endorsement.

[M.S.N.,J] [R.H., J]
03.11.2020

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Internet : Yes/No
Index : Yes/No

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