

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2020

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.15044 of 2020

SMM. Mohammed Shahul Hameed .. Petitioner

Versus

1.Chennai Metropolitan Development Authority
Rep.by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2.Government of Tamil Nadu
rep.by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the 1st respondent to remove the lock and seal affixed on 27.07.2020 in the petitioner's property situated at No.7, Armenian Street, George Town, Chennai 600 001 forthwith so as to enable the petitioner to rectify and restore the said

premises in conformity with Tamil Nadu Combined Development Regulation Rules 2019 on the petitioner's representation dated 25.09.2020.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Karthik Rajan
Standing Counsel (CMDA) for R1

ORDER

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

Heard the submission of the learned counsel appearing for the petitioner and perused the materials. Though the petitioner was granted planning permission for the construction of stilt + two floors residential building with 6 dwelling units at Old No.3, New Door No.7, Armenian Street, George Town, Chennai-1, he had put up additional constructions in the form of third and fourth floor (part), which houses commercial, residential building in contravention of the approval plan. On an earlier endeavour made by the petitioner to set it right had ended in failure and though the petitioner was granted three months time vide communication of the 2nd respondent dated 14.09.2017 in Letter No.1295/UD-VI(2)/2017-2, he was unable to rectify the same..

2. Mr.L.Chandrakumar, learned counsel appearing for the petitioner

has drawn the attention of this Court to the representation of the petitioner dated 25.09.2020 addressed to the 1st respondent and it was received and acknowledged on 29.09.2020 and would submit that in the light of the provisions of the Tamil Nadu Combined Development and Building Rules, 2019, the petitioner is entitled to put up car parking + three floors and since it is a contiguous area, there is no necessity for any side set back and prays for appropriate orders for disposal of the representation at an early date.

3. Mr.Karthik Rajan, learned Standing counsel (CMDA) accepts notice on behalf of the respondents and would submit that if at all the petitioner wants to invoke the provisions of Tamil Nadu Combined Development and Building Rules, 2019, he is under obligation rather mandate to submit fresh planning permission and the representation dated 25.09.2020, submitted by the petitioner in this regard would be given disposal at an early date.

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4. This Court heard the submission of the learned counsel appearing

for the petitioner and the learned Standing Counsel appearing for the respondents also.

5. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances without going into the merits of the claim projected by the petitioner either in his representation dated 25.09.2020 or in this Writ Petition directs the 1st respondent to consider and dispose of the petitioner's representation dated 25.09.2020 in accordance with law and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of, accordingly. No costs.

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

16.10.2020

Internet: Yes /No

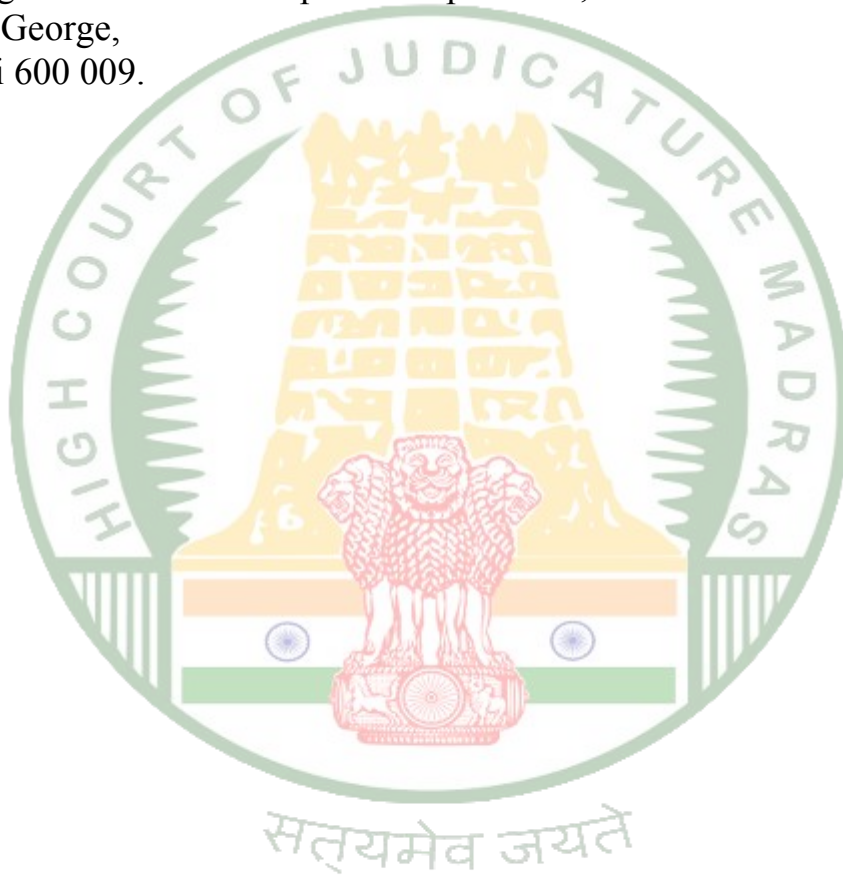
Index: Yes/No

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To

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- 2.The Secretary,
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