

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.444 OF 2018

Chennai Corporation Licensed

Surveyor's Association,

Bearing Regn.No.203/2003

represented by its President,

A.Balasubramanian,

No.43, 5th Floor, Pantheon Road,

Egmore, Chennai - 600 008.

... Petitioner

-vs-

1. The State of Tamil Nadu represented by
its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner of Town and Country Planning,
Chennai - 600 002.

3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-8.

4. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

5. The Assistant Executive Engineer,
Works Department,
Amma Maaligai, 5th Floor,
'C' Wing, Chennai-600 003.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider sanction and approval of planning permission for regularization as per the Scheme and Rules made there under in Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 without insisting upon the production of (a) Layout Framework in the form of CAD and (b) EC for whole layout right

from the first sale deed to till date on the basis of the representation dated 30.10.2017.

For Petitioner : Mr.L.Chandrakumar

For R1 to R3 : Mr.Y.Parthasarathy
Government Advocate

For R4 & R5 : Ms.B.Manimegalai

ORDER

This writ petition has been filed for issuance of writ of mandamus, to direct the respondents to consider sanction and approval of planning permission for regularization as per the Scheme and Rules made there under in Tamil Nadu Regularization of Unapproved Layouts and Plots Rules, 2017 without insisting upon the production of (a) Layout Framework in the form of CAD and (b) EC for whole layout right from the first sale deed to till date on the basis of the representation dated 30.10.2017.

2. The petitioner represents the association of licensed surveyor in Chennai. By circular dated 03.10.2017, one of the surveyor belonging to the petitioner's association has been called upon to furnish the following details:-

- (1) Layout Framework in the form of CAD with CD-2 copies
- (2) Parent document prior to 05.08.1975.
- (3) Patta along with FMB sketch for the proposed plot regularization in favour of application.
- (4) Chitta, Adangal particulars, combined FMB sketch for layuot.
- (5) TSLR Patta in favour of applicant.
- (6) Land use Map
- (7) Guide line value
- (8) E.C for the whole layout right from first sale deed to till date.

3. It is the contention of the petitioner's association that Sl.Nos.1 and 8 cannot complied as many of the layouts were sanctioned between 1976 to 1988. Under these circumstances, the petitioner's association has sent representation dated 30.10.2017 to the 1st respondent to relax the condition Nos. 1 and 8 in the communication dated 03.10.2017.

4. Though the representation was made by the petitioner's association on 30.10.2017, no orders have been passed by the 1st respondent. Since the issue involves the requirements for granting approval, I am of the view, it would be appropriate for the 1st respondent to consider the representation of the petitioner's association dated 30.10.2017 and dispose the same by addressing grievances of the petitioner's association. Under these circumstances, this writ petition is being disposed by directing the 1st respondent to consider the petitioner's representation dated 30.10.2017 and dispose the same within a period of 6 weeks from the date of receipt of this order, after hearing the petitioner.

5. This Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb

To:

1. The Secretary,
Government of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Town and Country Planning,
Chennai - 600 002.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Egmore,
Chennai-8.
4. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003.

5. The Assistant Executive Engineer,
Works Department,
Amma Maaligai, 5th Floor,
'C' Wing, Chennai-600 003.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.8968

+1cc to the Government Pleader, S.R.No.8788

W.P.No.444 of 2018

MGR(CO)
CS/30/03/2021



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