



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN  
and  
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.16775 of 2021

Mr.M.Lalith Kumaar

...Petitioner

Vs

1.The Government of Tamil Nadu  
Represented by its Additional Secretary (Technical),  
Housing and Urban Development Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

2.The Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 023.

3.The Member Secretary,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai.

4.Sri Zalawad Jain Welfare Trust,  
Represented by its Trustee,  
Having office at,  
No.15/16, Vepery Church Road,  
Chennai - 600 007.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the 1<sup>st</sup> Respondent to dispose the Appeal dated 14.11.2016 filed under Section 113(A)(6) of the Tamil Nadu Town and Country Planning Act, 1971 within a time frame to be fixed by this Court.



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For Petitioner : Mr.Sharath Chandran.

For Respondents : Mr.P.Balathandayutham,  
Government Advocate for R1.

Mr.K.Raja Srinivas,  
Standing Counsel for R2.

Mr.P.S.Ganesh,  
Standing Counsel for R3.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".

2.The Petitioner is one of the flat owners in Sri Zalawad Apartments bearing Door No.15/4, 1<sup>st</sup> Floor, Vepery Church Road, Chennai - 600 007. According to the Petitioner, the Fourth Respondent Association has put up marriage hall illegally, making use of Undivided Share (UDS) area allotted to the flat owners and unauthorizedly converted it into marriage hall in the basement without obtaining permission. Though action has been taken by the authorities, the Fourth Respondent filed a Writ Petition in W.P.No.33420 of 2016 and this Court by order dated 23.09.2016, remanded the matter back to the First Respondent therein for fresh consideration.

3.The subject matter of the said Writ Petition is with regard to the rejection of regularization application filed by the Fourth Respondent with regard to the unauthorized construction of a marriage hall in the basement in the Undivided Share (UDS) area belonging to the flat owners. The said proceedings are pending before the First Respondent from the year 2016. Though many notices of hearing have been given, so far, order has not been passed. Hence, the Petitioner has come before this Court seeking a direction to the first Respondent to dispose of the Appeal dated 14.11.2016 filed under Section 113 (A) (6) of the Tamil Nadu Town and Country Planning Act, 1971.

4.Heard Mr.Sharath Chandran, Learned Counsel for the Petitioner, Mr.P.Balathandayutham, Learned Government Advocate for the First Respondent, Mr.K.Raja Srinivas, Learned Standing Counsel for the Second Respondent and Mr.P.S.Ganesh, Learned Standing Counsel for the Third Respondent. Notice to the Fourth Respondent is dispensed with as this Court intends to direct the First Respondent to dispose of the Appeal.



5. Taking into consideration of the fact that the official Respondents have already taken steps with regard to unauthorized construction of marriage hall put up by the Fourth Respondent in the Undivided Share (UDS) area belonging to the flat owners and the issue is remanded for fresh consideration as early as in W.P.No.33420 of 2016 by order dated 23.09.2016 and so far it has not been disposed for the past five years, this Court directs the First Respondent to dispose of the Appeal filed by the Fourth Respondent, after giving opportunity to all the parties including the Fourth Respondent, on or before 30.09.2021.

6. With the above directions, this Writ Petition is disposed of. No costs.

7. Call the matter for reporting compliance on 01.10.2021.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Secretary (Technical),  
State of Tamil Nadu,  
Housing and Urban Development Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
2. The Commissioner,  
Greater Chennai Corporation,  
Rippon Buildings,  
Chennai - 600 023.
3. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai.
4. The Section Officer,  
Writ Section,  
High Court, Madras.

W.P.No.16775 of 2021

SJ[co]  
NSK 24/08/2021