

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20589 of 2021

G.Lakshmi Narayanan

... Petitioner

-Vs-

- 1 The Director of Town and Country Planning CMDA Office Complex Koyambedu Chennai 107
- 2 The District Collector Cuddalore District , Cuddalore
- 3 The Member Secretary Cuddalore Local Planning Authority Cuddalore 2
- 4 The Assistant Director O/o.District Town and Country Planning Cuddalore Cuddalore District
- 5 The Commissioner Cuddalore Municipality Cuddalore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 3rd respondent to consider the case of the petitioner and pass orders on the recommendation letter of the 5th respondent in Na. Ka. No. 459/ 14/ F2 dated 20.5.2014 with regard to granting plan approval for construction of commercial complex in Cuddalore Municipality Ward No.6 Block No.24 T.S.No.787/1b to the extent of 24 907 square feet.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for M/s.G.Elanchezhian

For Respondents : Mr.A.Selvendran
Government Advocate – for RR 1 to 4
Mr.P.Srinivas, Standing Counsel – for R5

ORDER

This writ petition has been filed for the issue of a writ of Mandamus directing the first and third respondents to consider the case of the petitioner and to pass orders on the recommendation letter given by the fifth respondent through proceedings dated 20.05.2014 with regard to the granting of plan approval for construction of a commercial complex in the subject property.

2. Heard Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner, Mr.A.Selvendran, learned Government Advocate appearing for the respondents 1 to 4 and Mr.P.Srinivas, learned Standing Counsel appearing for the fifth respondent.

3. The case of the petitioner is that, he is the owner of the subject matter with an extent of 24907 Sq.ft. The petitioner decided to construct a commercial complex in the said property. Accordingly, the petitioner also obtained No-Objection Certificates from various departments. Thereafter, he submitted an application before the fifth respondent on 20.01.2014 along with the building plan accompanied by all

the No-Objection Certificates that were granted in his favour and sought for permission to construct a commercial complex in the subject property. The fifth respondent, on scrutinizing the application and the documents that accompanied the application, forwarded a letter through proceedings dated 20.05.2014 to the third respondent.

4. The grievance of the petitioner is that, the third respondent has not passed any order on the recommendation / proposal sent by the fifth respondent and the same is kept pending. Whenever the petitioner enquired the third respondent, he was orally informed that the third respondent is awaiting the orders from the first respondent. Thereby, the issue has been kept pending for more than five years.

5. The petitioner, aggrieved by the same, has come before this Court seeking for appropriate directions to the first respondent and third respondent to act upon the letter forwarded by the fifth respondent within the time frame fixed by this Court.

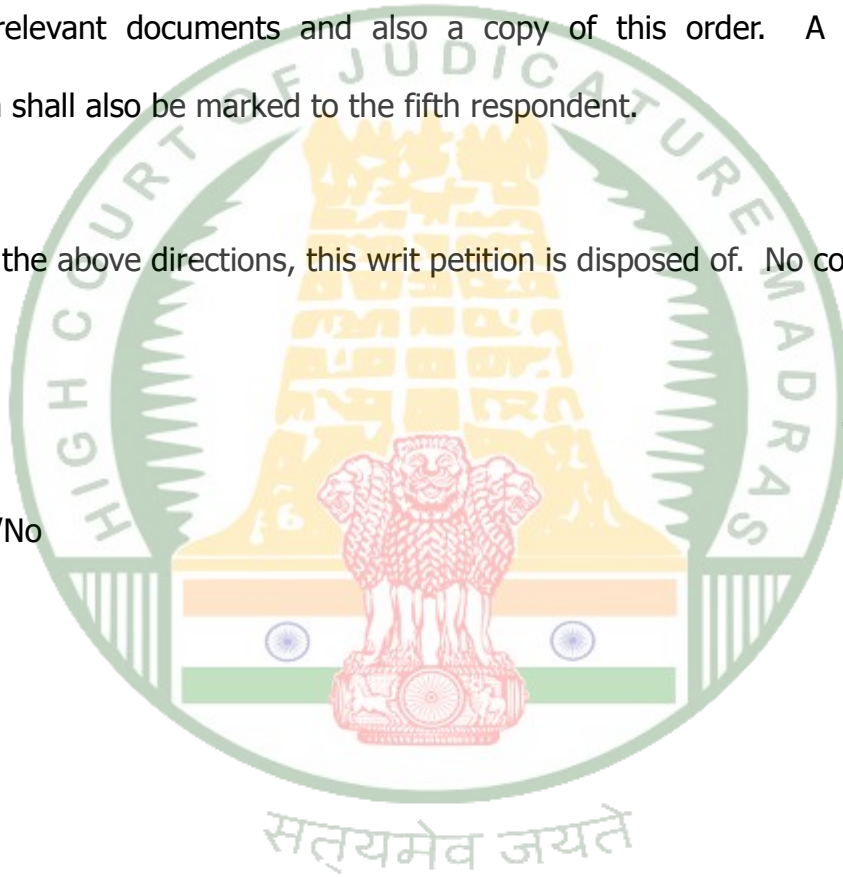
6. Taking into consideration the facts and circumstances of the case, and after considering the relevant provisions under the District Municipalities Act, there shall be a direction to the third respondent to immediately pass an order on the recommendation made by the fifth respondent through proceedings dated 20.05.2014, within a period of four weeks from the date of receipt of a copy of this

order. The relevant file shall thereafter be forwarded to the first respondent and the first respondent shall deal with the same on the basis of the recommendation of the fifth respondent and the third respondent respectively and pass final orders in accordance with law within a period of six weeks thereafter. The petitioner is directed to make a fresh representation to the first respondent and the third respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the fifth respondent.

7. With the above directions, this writ petition is disposed of. No costs.

27.09.2021

Index :Yes/No
Internet : Yes/No
KST



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To

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N.ANAND VENKATESH, J.

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