



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25202 of 2021

Noorullah Shariff

...Petitioner

Vs

1. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan House,
01, Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai, Tamil Nadu - 600 008.
2. The Commissioner,
Alandur Municipality,
Alandur, Chennai - 16.
3. The Commissioner,
Greater Chennai Corporation,
Chennai - 3.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to approve the building plan for second floor of the property comprised in T.S.No.7, Ward 'H', Block 3, S.No.1337/1, bearing Door No.51, Lascar Street, 1D Railway Station Road, Alandur, Chennai, on payment of necessary charges in accordance with law as sought vide representation dated 20.08.2021.

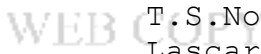
For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents: Mrs.Malarvizhi Udhayakumar
Standing Counsel (for R1)

: Ms.P.T.Ramadevi
Standing Counsel (for R2 and R3)

O R D E R

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to approve the building plan for second floor of the property comprised in T.S.No.7, Ward 'H', Block 3, S.No.1337/1, bearing Door No.51, Lascar Street, 1D



2.The petitioner claimed to be the owner of the property at T.S.No.7, Ward 'H', Block 3, S.No.1337/1, bearing Door No.51, Lascar Street, 1D Railway Station Road, Alandur, Chennai.

4. Since the said Alandur Municipality is not empowered to approve the building plan for second floor construction as that power is vested only with the 1st respondent CMDA, it seems that, the said application submitted by the petitioner had been forwarded by the Alandur Municipality to the 1st respondent CMDA.

6. In this regard, the petitioner directly sent a communication on 24.09.2002 and latest by 20.08.2021 directly addressing the 1st respondent CMDA to process the application forwarded by the Municipality dated 24.09.2002 to give permission to construct second floor by the petitioner, the same since was not so far considered by the 1st respondent, the petitioner is triggered to move this Court by filing the present writ petition with the aforesaid prayer.

8. Heard Mrs. Malarvizhi Udhayakumar, learned Standing Counsel appearing for the 1st respondent CMDA, who on instruction, would submit that, if at all the application submitted by the petitioner to the 2nd respondent Municipality, is forwarded by the 2nd respondent in the year 2000 and in this regard, if any further representation has been made including the latest representation dated 20.08.2021, where, the petitioner claimed to have sent photocopies of some of the documents with the original application, certainly, the said application would be taken up and processed and in this regard, as per the Development Rules which is in force, whatever further documents required for completing the process of the application would be



called for if any from the petitioner, for which, a separate notice can be given and thereafter the application of the petitioner would be processed and necessary orders on merits and in accordance with law would be passed by the 1st respondent within a reasonable time that may be stipulated by this Court.

9. Considering the scope of this writ petition in the teeth of the aforestated facts and circumstances and having regard to the said submission made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 1st respondent to consider the application of the petitioner dated 28.04.2000, as forwarded by the 2nd respondent Municipality along with the representation of the petitioner dated 20.08.2021 with annexures and pass orders thereon on merits and in accordance with law. While processing the same, it is made clear that, if there is any further requirement of document to be supplied by the petitioner, the same can also be communicated to the petitioner and after getting those documents also the process can be completed and final orders shall be passed. The needful, as indicated above, shall be undertaken by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan House,
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Egmore, Chennai, Tamil Nadu - 600 008.
2. The Commissioner,
Alandur Municipality,
Alandur, Chennai - 16.



3. The Commissioner,
Greater Chennai Corporation,
Chennai - 3.

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+1cc to M/s.N.A.Nissar Ahmed, Advocate, S.R.No.66670

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.66261

+1cc to M/s.Malar Vizhi Udayakumar, Advocate, S.R.No.66534

+1cc to the Government Pleader, S.R.No.66618

W.P. No.25202 of 2021

RK(CO)

RGA(15/02/2022)