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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24793 of 2021
and
W.M.P.No.26079 of 2021

1 N.C.Nagalakshmi
2 N. S. Jayasathiyavathi
3 N. C. Vignesh Kumar
4 N. C. Karthik Kumar ...Petitioners

-Vs-

1 The Government of Tamil Nadu
Rep by its Principal Secretary and
Chairperson of the Appeals Committee
Housing and Urban Development Department
Secretariat Chennai - 600009.
2 Chennai Metropolitan Develop
ment Authority Rep by its Member Secretary
No. 1 Gandhi Irwin Road Egmore
Chennai - 8. ...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider and pass order expeditiously and in accordance with law on the petitioners representation dated 28.9.2021 to grant approval for the buildings at Old D. No. 1 New D. No. 130 and 131 Govindappa Naicken Street NSC Bose Road Chennai - 600 079 in the light of directions by the 1st respondent in their letter No. 753 / UD5(1) / 2021 - 1 dated 25.5.2021.

For Petitioner : Mr.D.S.Rajasekaran
For Respondents : Ms.Akila Rajendran,
Government Advocate- for R1

O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to consider and pass order expeditiously and in accordance with law on the petitioners representation dated 28.9.2021 to grant approval for the buildings at Old D.



No. 1 New D. No. 130 and 131 Govindappa Naicken Street NSC Bose Road Chennai - 600 079 in the light of directions by the 1st respondent in their letter No. 753 / UD5(1) / 2021 - 1 dated 25.5.2021.

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2. That the first petitioner's husband is the owner of the building concerned and he made an application to the respondent CMDA for regularisation, which was rejected, as against which he filed an appeal before the appellate committee of the Government, where, on consideration of the said appeal, initially they directed the first petitioner's husband to rectify certain shortcomings and to file a compliance report to that effect. According to the petitioner, the petitioner's husband had rectified the shortcomings and filed a compliance report. In the meanwhile, on 15.02.2020, the first petitioner's husband died. Thereafter, there has been a further communication between the petitioners and the respondents and on 25.05.2021, on behalf of the first respondent, a communication has been sent to the petitioners that, certain shortcomings still are there to be complied with and after compliance, a report to that effect can be filed to the first respondent for consideration. Accordingly, the petitioners claim that, after rectifying those shortcomings, a compliance report with proof has also been filed along with a request dated 28.09.2021 by the petitioners to the first respondent. Thereafter, though the said compliance has been made as directed by the first respondent, the same has not been taken into account and no final orders have been passed for regularisation of the building concerned. Therefore, the petitioner has filed the present writ petition seeking for a mandamus with the aforesaid prayer.

3. Heard Mr.D.S.Rajasekaran, learned counsel for the petitioners, who, after having reiterated the aforesaid facts, would seek the indulgence of this Court to issue suitable directions.

4. Heard Ms.Akila Rajendran, learned Government Advocate appearing on behalf of the first respondent, who, on instructions, would submit that, based on the compliance report claimed to have been filed by the petitioners, where rectification has been made by the petitioners, the same has to be verified by the second respondent and after verification and after getting input from the second respondent, needful would be done by the first respondent committee, as to whether the plea sought for by the petitioners, can be granted or not, and therefore accordingly, the compliance report along with the earlier application would be considered by the first respondent on merits and in accordance with law within a stipulated time frame.



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5. Considering the said submissions made by the learned counsel appearing for both sides and having regard to the said facts as projected above, this Court is inclined to dispose of this writ petition with the following order.

6. That there shall be a direction to the first respondent to consider the application submitted by the petitioners, along with the compliance report dated 28.09.2021 and after verifying the same, the needful can be done by disposing the said application of the petitioners on merits and in accordance with law, by the first respondent, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KST/RAP

- 1 The Principal Secretary and Chairperson
of the Appeals Committee
Housing and Urban Development Department ,
Secretariat, Chennai - 600009.
- 2 The Member Secretary, Chennai Metropolitan
Development Authority, No. 1
Gandhi Irwin Road Egmore
Chennai - 8.

+1cc to Mr.D.S.Rajasekaran, Advocate, S.R.No.59957

+1cc to the Government Pleader, S.R.No.60295

W.P.No.24793 of 2021

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NSK 03/12/2021