



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2021**

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12049 of 2021

A.Jaffer Sherief

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai.

2.The Director of Town and Country Planning,
Dorectorate of Town and Country Planning,
E & C Market Road, Koyembedu,
Chennai - 600 107.

3.The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Office Campus,
3rd Floor, Anna Maligai,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd respondent to grant planning permission to the petitioner's development by passing orders on the application of the petitioner in online application number 202100702010414 dated 19.01.2021 without reference to the proposed Uthangudi South Detailed Development Plan, which is yet to be notified within the time that may be stipulated by this Court in the light of the decision of this Court in W.P.(MD)No.8094 of 2021 dated 25.06.2021.

For Petitioner : Mr.Mahaboob Athiff.M

For Respondents : Mr.R.Sureshkumar,
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the third respondent to grant planning permission to the petitioners on the application made by the petitioner, on 19.01.2021, without reference to the proposed



Uthangudi South Detailed Development Plan.

2.Heard Mr.M.Mohaboob Athiff, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

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3.The issue involved in the present writ petition is squarely covered by the earlier judgment of this Court in W.P.(MD).No.8094 of 2021, dated 25.06.2021. It is seen from records that the development plan is still at the stage of proposal and it has not crossed that stage and this Court in the above order has categorically held that where a detailed development plan remains at the stage of proposal and it has not crossed that stage, the planning permission sought for by the applicant cannot be denied and the applicant cannot be prevented from constructing or developing the property.

4.In view of the above, the detailed development plan is deemed to have lapsed and there shall be a direction to the third respondent to proceed further and process the application submitted by the petitioner and on other parameters being satisfied, the sanction order shall be passed, within a period of six weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai.

2.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
E & C Market Road, Koyembedu,

<https://hcservices.chennai.gov.in/hcservices/> 107.



3.The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Office Campus,
3rd Floor, Anna Maligai,
Madurai.

+1 CC to M/s.GP (SR-23302[F] dated 20/07/2021)

W.P. (MD) .No.12049 of 2021

Dated :

19.07.2021

MGJ(26.07.2021) 3P 5C