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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.1566 of 2022  
and  
W.M.P.Nos.1682, 1683 & 1684 of 2022

T.Soundararajan

...Petitioner

Vs.

1. Secretary to Government,  
Housing and Urban Development Department,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 005.
2. The Commissioner,  
Corporation of Greater Chennai,  
Rippon Building,  
Chennai - 600 003.
3. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai - 600 008.
4. The Executive Engineer, Zone X,  
Greater Chennai Corporation,  
No.117, N.S.K. Salai,  
Kodambakkam,  
Chennai - 600 024.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 4<sup>th</sup> respondent made in WDC No.TP.PPA/WDCN10/06000/2021 dated 05.08.2021 and quash the same as illegal arbitrary and non-est in law and consequently, to direct the respondents to consider the petitioner's revised building planning permission application in accordance with Tamil Nadu Combined Development and Building Rules, 2019 within the time stipulated by this Court and forbear the respondent from initiating enforcement action until the disposal of the application.



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For petitioner : Mr.Raghavachari for  
Mr.S.Mohameduduman

For respondents : Mr.M.Alagu Gowtham  
Govt. Advocate for R1

Mr.K.Raja Shrinivas  
Senior Standing Counsel for R2 & R4

Mrs.C.Sumathy Sreekanth  
Standing Counsel for R3

#### ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Heard Mr.Raghavachari learned counsel appearing for the petitioner, Mr.M.Alagu Gowtham, learned Government Advocate appearing for the first respondent, Mr.K.Raja Shrinivas, learned Senior Standing Counsel appearing for the respondents 2 and 4 and Mrs.C.Sumathy Sreekanth, learned Standing Counsel appearing for the third respondent.

2.The petitioner has filed this writ petition seeking for issuance of a Writ of Certiorarified Mandamus to quash the order of the fourth respondent made in WDC No.TP.PPA/WDCN10/06000/2021 dated 05.08.2021 and for a consequential direction to the respondents to consider his revised building planning permission application in accordance with the Tamil Nadu Combined Development and Building Rules, 2019.

3.The case of the petitioner is that he is the absolute owner of the building comprised in Door No.5/2, 6<sup>th</sup> Street, Jai Nagar, Arumbakkam, Chennai-106. He obtained planning permission on 09.05.2014 for construction of stilt + 3 floors. Having found the some deviation and violation, the fourth respondent has issued lock & seal and demolition on 07.06.2017. The special revision preferred by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 came to be dismissed on 06.12.2017.

4.The learned counsel appearing for the petitioner would state that the Government of Tamil Nadu has issued G.O.Ms.No.18, Municipal Administration and Water Supply (MA.1) Department, dated 04.02.2019 relaxing substantial planning parameters of FSI, set-back and height of building and other requirements for non-high rise buildings. Thereafter, the petitioner filed revised plan for approval, however, it was rejected on the



ground the building was not constructed as per the plan approved. According to the learned counsel, the fourth respondent has not considered the application of the petitioner in the light of the Tamil Nadu Combined Development and Building Rules, 2019.

5.Per contra, the learned Senior Standing Counsel appearing for the Greater Chennai Corporation justified the rejection order passed by the fourth respondent.

6.A perusal of the impugned order shows that the revised planning permission application filed by the petitioner was rejected on the sole ground that the construction made by the petitioner is not in accordance with the sanctioned plan. When the application is filed pursuant to issuance of the Tamil Nadu Combined Development and Building Rules, 2019, the petitioner seeks benefits under the new Rules, the fourth respondent is obliged to consider the application in the light of the above said Rules. Hence, the order impugned in this writ petition cannot be sustained and the same is set aside and the matter is remitted back to the fourth respondent for fresh consideration. The fourth respondent shall pass orders afresh after affording personal hearing to the petitioner and in accordance with the Tamil Nadu Combined Development and Building Rules, 2019.

7.With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Secretary to Government,  
Housing and Urban Development Department,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 005.
2. The Commissioner,  
Corporation of Greater Chennai,  
Rippon Building,  
Chennai - 600 003.



3. The Member Secretary,  
Chennai Metropolitan Development Authority,  
Egmore, Chennai - 600 008.

4. The Executive Engineer, Zone X,  
Greater Chennai Corporation,  
No.117, N.S.K. Salai,  
Kodambakkam,  
Chennai - 600 024.

+lcc to Mr.S.Mohameduduman, Advocate SR. No.7525  
+lcc to Government Pleader SR. No.7346

W.P.No.1566 of 2022  
and  
W.M.P.Nos.1682, 1683 & 1684 of 2022

MT (CO)  
PR (08/03/2022)