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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.6381 OF 2022

AND

W.M.P.NO.6461 OF 2022

J.Balaji

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Greater Chennai Corporation,
Rep. by its Commissioner,
Ribbon Building,
Chennai - 600 003.
3. The Chennai Metropolitan Development
Authority (CMDA),
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
4. The Executive Engineer,
Greater Chennai Corporation,
No.6/64, I/C, Zone 14,
Puzhuthivakkam Main Road,
Perungudi,
Chennai - 600 091.
5. The Assistant Executive Engineer,
Greater Chennai Corporation,
Unit 41, Zone 14,
Puzhuthivakkam Main Road,
Perungudi,
Chennai - 600 091.



6. The Assistant Engineer,
Greater Chennai Corporation,
Division 183, Kottivakkam,
Chennai - 600 041.

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7. Lalchand

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to dispose of the application filed under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 as amended, by the petitioner on 09.03.2022 and received by the first respondent on 10.03.2022 within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.R.S.Ganesan

For Respondents : Mr.K.Raja Shrinivas
Standing Counsel (Corporation)
For R2, 4 to 6

Mrs.C.Sumathi
CMDA for R3

Mr.K.Surendran
Additional Government Pleader
For R1

ORDER

[Order of this Court was delivered by T.RAJA, J.]

J.Balaji, resident of Plot No.22, Kalyani Street, Lakshmana Perumal Nagar, Kottivakkam, Chennai-41/the petitioner herein has come to this Court for issuance of a writ of mandamus under Article 226 of the Constitution of India seeking a direction to the first respondent to dispose of the application dated 09.03.2022 filed by him under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 against the impugned proceeding dated 05.03.2022.

2. Learned counsel appearing for the petitioner submitted that land and building, situated at Plot No.22, Kalyani Street, Lakshmana Perumal Nagar, Kottivakkam, Chennai-41, were originally belonged to the petitioner's brother in law,



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Mr.S.Thirugnana Sambantham, who executed a Power of Attorney in favour of the petitioner's father Late Mr.M.G.Jayaraman for getting planning permission from the competent authority. However, the petitioner's father in his capacity as Power of Attorney of his brother in law, applied for planning permission before the Commissioner, St. Thomas Mount Panchayat Union that was forwarded to the Chennai Metropolitan Development Authority (CMDA), the third respondent herein, who also by letter dated 16.02.2006, directed M.G.Jayaraman to pay a sum of Rs.500/- towards the scrutiny fee by demand draft in any one of the Nationalised Banks at Chennai. Thereafter, the petitioner's father expired on 28.04.2019. Subsequently, on 11.05.2006, the third respondent called for certain further particulars. Learned counsel for the petitioner further submitted that since the third respondent had granted planning permission and building approval for the construction, based on the application filed by his father in the year 2006 and the construction was also completed in the year 2007, the impugned notice has been issued on 05.03.2022, based on the complaint given by the seventh respondent. While so, on 09.03.2022, the petitioner had filed an Application under Section 80-A of the Tamil Nadu Town and Country Planning Act before the first respondent and the same is also admittedly pending. Therefore, when the application seeking planning permission was moved by the petitioner in the year 2006, the Chennai Metropolitan Development Authority, on receipt of the said application from the Commissioner St. Thomas Mount, Panchayat Union, called for certain particulars, which were furnished rightly by the petitioner and thereafter, construction was over and the property was also assessed for payment of house tax and house tax receipt No.47762 dated 29.04.2009 was also issued by Kottivakkam Panchayat, which has also been filed along with the typed set of papers. When the house tax also has been paid and for about 14 long years, there was no un-authorized construction, based on the false complaint given by the seventh respondent, the notice dated 05.03.2022 ought not to have been issued. Aggrieved by the same, an Application under Section 80-A of the Tamil Nadu Town and Country Planning Act has been filed before the first respondent to set aside the lock and seal notice, as it is barred by time and therefore, the official respondents may be directed to dispose of the application filed by the petitioner.

3. Learned counsel for the first respondent sought for 12 weeks time to dispose of the Application filed by the petitioner.

4. Since the Application dated 09.03.2022 filed by the petitioner under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 against the impugned proceeding dated 05.03.2022 is pending before the first respondent, we grant 12 weeks time to the first respondent to consider and pass



appropriate orders, on merits and in accordance with law. It is open to the petitioner to file all the necessary document, if any. Till such disposal, both the parties are directed to maintain status quo.

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5. With the above direction, this writ petition stands disposed of. No costs. Consequently, W.M.P. No.6461 of 2022 stands closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
The Greater Chennai Corporation,
Ribbon Building,
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3. The Member Secretary,
The Chennai Metropolitan Development
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6. The Assistant Engineer,
Greater Chennai Corporation,
Division 183, Kottivakkam,
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+1cc to Mr.N.R.S.Ganesan, Advocate, S.R.No.19004
+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.19631
+1cc to the Government Pleader, S.R.No.19522

W.P.NO.6381 OF 2022 AND
W.M.P.NO.6461 OF 2022

PL (CO)
PBS/06/04/2022