



W.P.No.10102 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.10102 of 2019

and

W.M.P.Nos.10671 & 10672 of 2019

P.Vijayarangan

..Petitioner

Vs.

1.The Member Secretary,
Cuddalore Local Planning Authority,
Cuddalore.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent comprised in its order dated 08.11.2018 bearing the Na.Ka.No.908/2017/CPLA/ Sivasakthi Nagar, in Cuddalore Panchayat Union, Pachaiyankuppam Village and comprised in R.S.No.124/2B measuring an extent of 37891 Sq.ft of unsold plots, rejecting the petitioner's application and quash the same and consequently direct the respon dent to grant the petitioner's application bearing file Na.Ka.No.908/2017/CPLA/ Sivasakthi Nagar for regularization.



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For Petitioner : Mr.N.Suraya Narayanan for
Mr.R.Parthasarathy
For Respondents : Ms.V.Yamunadevi
Special Government Pleader

ORDER

The challenge in the Writ Petition is to the order of the respondent, rejecting the request of the petitioner to have his unapproved lay out regularized.

2.The petitioner is the owner of the land measuring about 3.37.87 hectares in Survey No.124-2B1 of Pachayankuppam Village, Cuddalore District. The petitioner appears to have laid out plots in an extent of about 40,000 Sq.ft., of the said lands and had sold some of the plots also. Upon issuance of certain Government Orders, permitting regulatization of such unapproved plots, the petitioner had applied for regularization of these plots laid by him. The request of the petitioner has been rejected by the Member Secretary of the Cuddalore Local Planning Authority, on the ground that the



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proposed development falls within the Coastal Regulation Zone (CRZ Zone) and therefore, the regularization sought for cannot be granted.

3.Mr.N.Suryanarayanan, learned counsel appearing for the petitioner would vehemently contend that there is total non-application of mind on the part of the authorities in passing the order impugned in the Writ Petition in as much as, even the survey number of the property has been wrongly given as 124 / 1B whereas, the petitioner has applied for sanction in respect of 124 / 2B. He would further contend that the authorities have not taken into account the new CRZ rules, which classify CRZ Zones into four different categories and permits certain activities in certain areas.

4.The learned counsel would further point out that the entire Survey No.124 does not fall within the No Development Zone, only a very negligible portion of it on the Northwest and Eastern sides fall within the No Development Zone. According to the learned counsel, the plots developed by the petitioner do not come within the No Development Zone. He would also further point out that as per the existing regulations,



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domestic construction activity, which are traditionally existing could be carried out in the area between 200 and 500 metres, which is classified as areas beyond the No Development Zone and is regulated by CRZ notification. The learned counsel would further contend that what the petitioner has sought for is only regularization of the lay out and not actual construction and therefore, whether the proposed activity would be a permitted activity are not, ought not to have been gone into at this stage.

5.Countering the said submissions, Mrs.V.Yamunadevi, learned Special Government Pleader would contend that the area in question falls under the No Development Zone and therefore, regularization cannot be granted. She would submit that the purpose of regularization itself is only for sale for construction of houses, which would be a prohibited activity under CRZ rules now in force. It is her further submission that the petitioner cannot contend that he is only laying out the plots and not going to construct therefore, the prohibition under the Coastal Regulation Rules will not apply. I have considered the rival submissions.



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6.The order impugned in the Writ Petition is very laconic in the sense it does not disclose any other reason except stating that the area in question falls within the CRZ. It does not even say that it is a No Development Zone or it is a regulated development zone. The survey number is also wrongly given. From the notification and the plans produced before me, it is seen that while a portion of Survey No.124 falls under the No Development Zone, majority of the area in Survey No.124 comes within the 200 to 500 metres distance from the high tide line, in which certain activities are permitted. The authority does not seem to have bestowed its attention to these finer details thereby, resulting in rejection of the petitioner's application. I am therefore, of the opinion that the order impugned should be quashed and the Authority should be directed to examine the finer details and pass appropriate orders.

7.Hence, this Writ Petition is allowed, the order impugned is set aside. The matter is remitted to the Authority. The Authority namely, the respondent shall examine the issue in the light of the new CRZ guidelines and dispose of the application of the petitioner, bearing in mind, the



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permitted activities under the new CRZ guidelines and order shall be passed within a period of four months from the date of receipt of a copy of this order. The petitioner shall be given opportunity of hearing before final orders are passed. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2022

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Index:No
Internet:Yes
Speaking

To:-

The Member Secretary,
Cuddalore Local Planning Authority,
Cuddalore.



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R.SUBRAMANIAN, J.

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