

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

THE HON'BLE Mr.JUSTICE C.SARAVANAN

W.P.No.16709 of 2022

R.Chenaram Seni.

... Petitioner

-Vs.-

Chennai Metropolitan Development Authority,
Rep., by its Member Secretary,
No.1, Gandhi Irvin Road, Egmore,
Chennai 600 008.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to process the planning permission renewal application of the petitioner dated 18.05.2020 for the building at Plot No.2, of the approved subdivision No.P.P.D/L.O No.87/2006 in S.No.165/3B(pt), 8(pt), 166(pt), 168/1D(pt), 4 (pt), 169/1(pt), 2c(pt), 172/42(pt), 43(pt), of Pammal Village, Tambaram Taluk, Kanchipuram District.

For Petitioner : Mr.S.Sai Sathyajith
For Respondent : Mr.Y.Bhuvanesh Kumar,
Standing Counsel

O R D E R

Mr.Y.Bhuvanesh Kumar, learned standing counsel, takes notice for the respondent.

2. This Writ petition has been filed with a prayer to direct the respondent to process the planning permission renewal application of the petitioner dated 18.05.2020 for the building at Plot No.2, of the approved subdivision No.P.P.D/L.O No.87/2006 in S.No.165/3B(pt), 8(pt), 166(pt), 168/1D(pt), 4 (pt), 169/1(pt), 2c(pt), 172/42(pt), 43(pt), of Pammal Village, Tambaram Taluk, Kanchipuram District.

3. It appears that the petitioner has obtained a planing permission under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, on 27.03.2007 for 80 dwelling units and

subsequently, the petitioner applied for renewal of the plan. Meanwhile in 2014, the petitioner paid the development charges of Rs.1,50,000/- for putting up 96 units. As per the planning permission, the petitioner had to complete the construction before the expiry period i.e., on or before 11.01.2018. According to the petitioner, the Government vide notification in TNGG No.86, Part IV Section-2, P.No.61, dated 30.03.2021, extended the period of three years to five years and thus petitioner had time up to 11.01.2020 to complete the construction.

4. However, the petitioner could not complete the construction and therefore, has filed an application for extension on 18.05.2020. It is submitted that despite the petitioner's request for extension, the respondent have not come forward to order the same. The respondent on instructions submitted that the last approval was granted on 12.01.2016. It is submitted that it is categorical, as per which, if it is not possible to complete the construction, the request for renewing the planning permission should be submitted before the expiry date. If it is not renewed before the expiry date, a fresh planning permission application has to be submitted for continuing with the construction work under the Development Control Rules that are in force at the time will be applicable.

5. It is submitted that there is no scope for further extension. It is not clear whether the Development Control Rules have undergone any amendment and whether any extension of time was recognized on account of lock down imposed due to outbreak of COVID 19 Pandemic in March, 2020.

6. Be that as it may, the petitioner requests for renewal of the planning permit may be considered by the respondent in accordance with the prevailing Development Control Rules read with provisions of the the Tamil Nadu Town and Country Planning Act, 1971. This exercise may be carried out by the respondent within a period of 4 weeks from the date of receipt of copy of this order.

7. Accordingly, this Writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

nsa

To

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irvin Road,
Egmore, Chennai 600 008.

+1cc to Mr.Y.Bhuvanesh Kumar, Advocate, S.R.No.41763

W.P.No.16709 of 2022

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NSK/26/07/2022