



WEB COPY



W.P.No.14360 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.14360 of 2015

M. Shree Jawahar

... Petitioner

Vs.

**1.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.**

**2.The Executive Officer,
Tiruneermalai Town Panchayat,
Tiruneermalai,
Kancheepuram District.**

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in Na.Ka.No.95/2015 dated 07.04.2015 and quash the same and further direct the respondents give building planning permission to the petitioner's land in survey number 371/2A1A situated at Durga Nagar, Tiruneermalai Town Panchayat, Kancheepuram District.

For Petitioner : Mr.B.Jawahar

**For Respondents : Mr.R.A.S. Senthilvel, for R2
No Appearance for R1**



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ORDER

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The Writ Petition has been filed challenging the order of the second respondent rejecting the petitioner's application for grant of permission for licence to construct the building in S.No.371/2A1A.

2. The contention of the learned counsel appearing for the petitioner is that the corporation has rejected the application for licence mainly on the ground that S.No.371/2A1A comes within the prohibited area, as declared by the Archaeological Survey of India. However, it is his contention that Archaeological Survey of India has not notified the S.No.371/2A/1A, as a prohibited site. According to him, the impugned order is the result of non application of mind. To substantiate his submissions, he also produced a letter, said to have been addressed by the Archaeological Department indicating various Survey Numbers.

3. However, this Court without going to the validity of the documents, is of the view that a direction to the respondents would suffice to go into the issue and pass a fresh orders. In such view of the matter, the petitioner is directed to give fresh application seeking building permission. On receipt of such application, the second Respondent shall consider the same based on the letter of the Archaeological Department on its own merits, within a period of two months.



W.P.No.14360 of 2019

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4. With the above direction, this Writ Petition is disposed of. No costs.

23.01.2023

Index :Yes/No

Speaking Order / Non-Speaking Order

AT

To

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai – 600 008.

2.The Executive Officer,
Tiruneermalai Town Panchayat,
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Kancheepuram District.



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N.SATHISH KUMAR,J.

AT

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