



W.P.No.20672 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.20672 of 2016

1.Dr.G.R.Rajashree

2.S.K.Srinivasan

...Petitioners

Vs.

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

2.The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai

3.Assistant Engineer/ Assistant Executive Engineer
Town Planning Approval Section
Regional Office south
Corporation of Chennai
No.115, Dr. Muthu Lakshmi Salai
Adyar
Chennai-600 020



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4.The Salt Corporation of India
rep by its Deputy Commissioner
II floor, II Block
Shastri Bhavan
No.26, Haddows road
Chennai-6
R4- suo motu impleader as per
order dated 29.07.2016 by NKKJ

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent ending with his order dated 17.12.2015 vide reference No.W.D.C No.T.P.PPA/WDCN 15/06615/2015 and quash the same and direct the 3rd respondent to accord planning permission based on the petitioner's application for planning permission dated 24.10.2015.

For Petitioner : Mr.V.S.Venkatesh

For Respondents : Mr.Y.Bhuvaneshkumar for R1

Mrs.P.T.Ramadevi for R2 and 3

Mr.G.Ilangovan for R4

ORDER

Writ Petition has been filed challenging the order passed by the 3rd respondent rejecting the planning permission on the ground that land use map, the plot falls under non-urban use zone in 2nd master plan as per



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Development Regulation No.22(1)A, construction of new residential building shall not be permitted in non urban use zone.

2. It is the grievance of the petitioner that out of 169 plots except these two plots all other plots the plan has been sanctioned by the Corporation. Now the petitioners application has been rejected on the ground it has been classified as non urban use zone in 2nd master plan. According to him when the similarly situated that plots are already sanctioned by the CMDA, the rejection in respect of the petitioner application itself is nothing but arbitrary and indiscrimination.

3. In the last hearing, this Court has directed the 1st respondent to file a status report. The status report has been filed. In para 5, it is stated that layout proposal was approved vide PPD/LO No.53/2004 in this office letter No.L1/38641/2003 dated 14.05.2004 in favour of the Special ifficer Karthikeyapuram Co-operative housing Society Limited. The said layout consists of 169 regular plots, 18 public purpose plots and a convenient shop plot. In para 6 it is stated that plot Nos.168& 169 lying in the said approved layout PPD/Lo No.53/2004 sanctioned y CMDA are residential



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plots wherein the proposed residential activity can be approved by the local body as the lands were already reclassified into primary residential zone.

4. In such view of the specific stand taken by the CMDA, that residential activity can be approved by the local body, the counsel appearing for the 2nd respondent would submit that they will consider the application of the petitioner and grant permission.

5. In such view of the matter, as the matter has got delayed for many years, the petitioner's application shall be considered and permission shall be granted within a period of one month as per law.

6. With the above directions, the Writ Petition is disposed of. No costs.

25.01.2023

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Internet: Yes
Speaking/non-speaking order
Neutral Citation: Yes/No



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To

WEB COPY

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N. SATHISH KUMAR, J.

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