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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12706 of 2023

A.Ansari

Petitioner

vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
- 3.The Director,
Town and Country Planning,
No.124, Municipal Shopping Complex,
GST Road, Chengalpattu – 603001.
- 4.The Deputy Director,
Town and Country Planning,
No.124, Municipal Shopping Complex,
GST Road, Chengalpattu – 603001.
- 5.The Superintending Engineer,
Works Department, Greater Chennai Corporation,
Amma Maligai, Rippon Building Campus,
Chennai – 600 003.
- 6.The Zonal Officer,
Zone-XII, Greater Chennai Corporation,
No.1, New Street, (Near GST Road), Alandur,
Chennai – 600 016.



7.The Executive Engineer,
O/o. The Principal Chief Engineer,
Greater Chennai Corporation,

8.The Assistant Executive Engineer,
Works Department,
Greater Chennai Corporation,
Amma Maaligai “C” - Wing,
Chennai – 600 003.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 2, 5 and 6 to consider the petitioner's representation dated 19.02.2022 (issue the planning permit and building permit to the petitioner based on the demand advice dated 21.07.2018, vide W.D.C.No.RL/WDCN12/01109/2018 issued by the Eight respondent) within a stipulated time fixed by this Court.

For Petitioner : M/s.Chamundi Bose for
A.G.Karthik Kumar

For Respondents : Mrs.R.Revathi
Standing Counsel for R1

Mr.A.M.Ayyathurai
Government Advocate for R3 and R4

Mrs.P.T.Ramadevi
Standing Counsel for R2, R5 to R8

ORDER

This writ petition has been filed for issue of writ of mandamus directing the

<https://www.mhc.to.gov.in/judis> respondents to consider the representation made by the petitioner on 19.02.2022,



wherein, the petitioner has sought for the issuance of planning permit and building permit based on the demand advice dated 21.07.2018, issued by the 8th respondent, within the time stipulated by this Court.

2.The case of the petitioner is that he is the owner of the property comprised in S.Nos. 174/6 & 174/7 (as per Alandur Survey Field Register in Town Survey No.24/1E & 2B, Block No.22, Ward No.G), Paimash No.64 & 78, 80 & 82 & 1027, Old Zamindhari Survey system in Madras State in 1920), Alandur Taluka, Address: No.3, Balakrishnapuram 1st street, Adambakkam, Chennai – 600 088, totally measuring an extent of 1518.5 Sq.Ft. The petitioner is claiming his title through a registered Sale Deed dated 06.02.2012.

3.The petitioner applied for a building permit to the 1st and 2nd respondents. The 1st respondent approved the plot and the 8th respondent in turn forwarded a demand notice dated 21.07.2018 to the petitioner. The petitioner also remitted the development charges and the regulation charges in favour of the 2nd respondent.

4.The grievance of the petitioner is that the Chennai Corporation has failed to process the application and grant planning permit and building permit. The legal notices and representations did not evoke any response and aggrieved by the same,

the present writ petition has been filed before this Court.



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5. Heard M/s. Chamundi Bose, learned counsel appearing on behalf of the petitioner, Mrs. R. Revathi, learned Standing Counsel appearing on behalf of the 1st respondent, Mr. A. M. Ayyathurai, learned Government Advocate appearing on behalf of the respondents 3 and 4 and Mrs. P. T. Ramadevi, learned Standing Counsel appearing on behalf of the respondents 2, 5, 6, 7 and 8.

6. The limited grievance that has been expressed by the petitioner is that after the demand advice was raised by the 8th respondent on 21.07.2018, the petitioner has already remitted the development charges and the regulation charges in favour of the 2nd respondent and in spite of the same, the planning permit and building permit is yet to be given in favour of the petitioner. Considering the grievance of the petitioner, it will suffice, if a direction is given to the 2nd respondent to consider the representation made by the petitioner on 19.02.2022 and deal with the same on its own merits and in accordance with law and shall take a decision and convey it to the petitioner, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of the representation dated 19.02.2022 and all the other relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 5th and 6th respondents.



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7. In the result, this writ petition is disposed of with the above directions. No

Costs.

24.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

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SSR

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