



Rev.Aplw.No.144 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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in

W.P.No.16952 of 2022

- 1.The Director of Town and Country Planning,
CMDA Office Complex,
Koyambedu, Chennai - 600 107.
 - 2.The District Collector,
Cuddalore District,
Cuddalore.
 - 3.The Deputy Director,
Formerly known as Member Secretary,
Cuddalore Local Planning Authority,
Office of the District Town and Country Planning,
Plot No.34, Tamil Muthu Nagar,
Kondur, Cuddalore - 607 006.
 - 4.The Assistant Director,
Office of the District Town and Country Planning,
Cuddalore, Cuddalore District.
- ... Petitioners

Vs.

1.G.Lakshmi Narayanan



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2.The Commissioner,
Cuddalore Municipality,
Cuddalore.

... Respondents

Prayer: Review Petition is filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, 1908, praying to review the order dated 29.08.2022 made in W.P.No.16952 of 2022.

For Petitioners : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.P.Sanjay Gandhi
Government Advocate

For Respondents :
For R1 : Mr.Singaravelan
Senior Counsel
for Mr.K.Arumugam

ORDER

This Review Petition has been filed by the respondents in W.P.No.16952 of 2022 to review the order passed by this Court on 29.08.2022.

2. Earlier, the first respondent herein (petitioner therein) filed W.P.No.20589 of 2021. W.P.No.20589 of 2021 came to be disposed by this Court on 27.09.2021.



WEB COPY 3. Relevant portion of the order reads as under:-

"6. Taking into consideration the facts and circumstances of the case, and after considering the relevant provisions under the District Municipalities Act, there shall be a direction to the third respondent to immediately pass an order on the recommendation made by the fifth respondent through proceedings dated 20.05.2014, within a period of four weeks from the date of receipt of a copy of this order. The relevant file shall thereafter be forwarded to the first respondent and the first respondent shall deal with the same on the basis of the recommendation of the fifth respondent and the third respondent respectively and pass final orders in accordance with law within a period of six weeks thereafter. The petitioner is directed to make a fresh representation to the first respondent and the third respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the fifth respondent.

7. With the above directions, this writ petition is disposed of. No costs."

4. Pursuant to the above order dated 27.09.2021 of this Court in W.P.No.20589 of 2021 referred to *supra*, an order dated 19.04.2022 came to be passed. The said order dated 19.04.2022 was subject matter of a challenge before this Court in W.P.No.16952 of 2022.

5. While disposing W.P.No.16952 of 2022 filed by the respondents herein, the Court had referred to 2019 Coastal Regulation Zone and therefore



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had directed the respondents to consider the same and pass orders within a period of thirty days from the the date of receipt of the order.

6. Relevant portion of order dated 29.08.2022 in W.P.No.16952 of 2022, this Court had ordered as follows:-

"5. In view of the impugned order, it is noticed that the impugned order has referred to the Coastal Regulation Zone Notification 2011 though as on date, the Coastal Regulation Zone Notification 2019 has come into force. The petitioner has been chasing the respondents for approval since 2013.

6. Considering the fact that the new Coastal Regulation Zone Notification is in force and any development in the land will have to comply with the requirements of the new Rules read with Tamil Nadu Combined Development Rules, 2019, I am inclined to quash the impugned order and remit the case back to the first respondent to pass a fresh order within a period of 30 days. Needless to state, the petitioner shall be heard before passing such order.

7. This Writ Petition stands allowed with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed."

7. Thereafter, contempt proceedings were initiated by the respondents. Before this Court, the learned Counsel for the petitioners herein submitted that the 2019 Coastal Regulation Zone has not come into force.



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WEB COPY 8. Recording the above submission, the Contempt Petition was closed by an order dated 24.04.2023. It stands now confirmed that the 2019 Coastal Regulation Zone is not in force. The submission of the learned Counsel for the petitioners stands recorded. This Court had also passed an order recording the submission of the petitioner that the petitioner/first respondent herein chasing the respondents/petitioners herein right from 2013.

9. Considering the above, this Review Petition is allowed and Order dated 29.08.2022 passed in W.P.No.16952 of 2022 is modified by directing the petitioners herein/respondents in writ petition to process the application filed by the petitioners strictly in accordance with the procedure prescribed under the 2011 Coastal Regulation Zone and in accordance with the procedure as was in force at the time when the application was filed by the first respondent/writ petitioner.

10. The application of the first respondent/writ petitioner shall be processed within a period of four weeks from the date of receipt of a copy of this order.



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11. This Review Petition stands disposed in terms of the above observations. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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