



W.P.No.27932 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 27932 of 2014
and M.P.Nos.1 to 3 of 2014

CREDAI Chennai
Rep by its President
Mr.Ajit Choradia
11, Sir Thiyagaraja Road
T.Nagar, Chennai – 600 017

.. Petitioner

Versus

1.State of Tamil Nadu
Rep by the Secretary to the Government
Housing and Urban Development Department
Chennai – 600 009

2. Commissioner of Town and Country Planning
807, Anna Salai
Chennai – 600 002

3. Chennai Metropolitan Development Authority
Rep by its Member Secretary
Thalamuthu Natarajau Building
No.1, Gandhi Irwin Road
Egmore, Chennai – 600 008

4. The Additional Commissioner of
Police – Traffic



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Kilpauk, Chennai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the first respondent, comprising of the Circular dated 21.07.2010 bearing Letter No.14561/UD I/10-2 issued by the first respondent directing the third respondent to mandate a No-objection Certificate from the fourth respondent department as a pre-requisite for grant of planning permission by it to multi-storied buildings and group developments, and quash the same as unconstitutional, illegal, arbitrary, and ultravires the provisions of the Tamil Nadu Town and Country Planning Act, 1971, the Development Regulations, 2008.

For Petitioner : Mr.Subhang Nair
for Mr.Sathish Parasaran

For Respondents : Mr.Naveenkumar for R1&2
Government Advocate
Mr.K.Mageshwari for R3
Mrs.P.T.Ramadevi for R4

ORDER

This writ petition has been filed challenging the Circular dated 21.07.2010 bearing Letter No.14561/UD I/10-2 issued by the first respondent directing the third respondent to mandate a No-objection Certificate from the fourth respondent department police (Traffic Department) while processing multi-storied buildings and group developments.

2. The main challenge is on the ground that No Objection Certificate



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not statutorily required should not be insisted upon. Further, even the earlier circular issued in the year 2009, that is on 05.05.2009 also indicated that that such certificate not statutorily required, should not be insisted upon. Contrary to the same, the impugned circular has been issued by the first respondent.

3. When the case was taken, Mrs.K.Mageshwari, learned counsel for third respondent, on instructions, submitted that now, there is no requirement for production of No Objection Certificate from the Police Department and the applications have been processed on the basis of the governing rules. Such statement is recorded. Mr.Selavanayagan, Law Officer is present who also asserted the above stand.

4. Such view of the matter, no further order is required and this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

02.01.2023

dhk

Index:Yes/No

Speaking Order : Yes / No

N.SATHISH KUMAR, J.

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To

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