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W.P.No.22727 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.22727 of 2023
and W.M.P.No.22176 of 2023**

1. S.USHA
2. S.HEMANTH
3. S.YASHWANTH

... Petitioners

Vs.

1. THE PRINCIPAL SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-09.

2. THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPPON BUILDING, CHENNAI-03.

3. THE ASSISTANT ENGINEER,
GREATER CHENNAI CORPORATION,
DIVISION 44, UNIT 11, ZONE 4,
NO.266, T.H.ROAD, TONDIARPET,
CHENNAI-600 021.

4. THE MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
CHENNAI-08.

5. THE EXECUTIVE ENGINEER
GREATER CHENNAI CORPORATION,
ZONE 4, PERAMBUR, CHENNAI-11.

6. MR.S.GUNASEKARAN



W.P.No.22727 of 2023

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dated 25.09.2023 of this Court)

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the 5th respondent to consider the online application for building approval dated 18.05.2022, on the basis of the order dated 25.03.2022 passed in the W.P.No.7278 of 2022 to grant building permission and Planning Permission in respect of the house bearing No.610, Thiruchi Chinnasamy Street, Periyar Nagar, Vyasarpadi, Chennai – 600 039.

For Petitioner : Mr.C.Veera Raghavan
For Respondents : Mr.P.Gurunathan
AGP for R1
Mr.E.C.Ramesh
Standing Counsel for RR2, 3 & 5
Mr.C.B.Vinobha
Standing Counsel for R4
Mr.R.Manickavel for R6

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed for a direction to the 5th respondent to consider the online application of the 1st petitioner for Building Approval, dated 18.05.2022.

2.It is the case of the 1st petitioner that on the complaint made by the 6th respondent viz., S.Gunasekaran, as against the building in question, the 3rd



respondent issued a Stop Work Notice dated 29.10.2019.

3.A Special Revision / appeal has been filed by the 1st petitioner's husband under Section 80 – A of the Act as against the notice dated 29.10.2019 and the same was disposed of, granting three months time to rectify the defects and obtain necessary planning permission and the enforcement notice is also stayed for a period of three months by an order dated 12.04.2021.

4.The 1st petitioner submitted her representation dated 17.08.2021 before the respondents 2 and 4, seeking to approve the planning permission in respect of the subject property. The petitioner also filed W.P.No.7278 of 2022 before this Court. This Court by an order dated 25.03.2022 directed the petitioner to re-present the rectification application through online without any defect and thereafter, the 5th respondent therein was directed to consider and dispose of the same on merits and in accordance with law. Accordingly, the petitioner submitted her online application on 18.05.2022, for grant of Building Permission and Planning Permission.



W.P.No.22727 of 2023

WEB COPY

5.The learned Standing Counsel appearing for the respondents 2, 3 and 5 not disputed the receipt of online application by the 1st petitioner.

6.Heard both sides and perused the materials.

7.Since the planning approval application filed by the 1st petitioner is pending before the authorities concerned, we direct the respondents 2, 3 and 5 to consider the online application of the 1st petitioner and dispose of the same, by giving due opportunity to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the official respondents are directed not to take any coercive action on the subject property.

8.With the above direction, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Jer

(J.N.B,J.)

(N.M,J.)

25.09.2023

Note:Registry is directed to issue certified copy of this order after the requisite Court Fee is paid for each of the petitioner.



W.P.No.22727 of 2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

To

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HOUSING AND URBAN DEVELOPMENT DEPARTMENT, FORT ST. GEORGE,
CHENNAI-09.

2. THE COMMISSIONER,
GREATER CHENNAI CORPORATION, RIPPON BUILDING, CHENNAI-03.

3. THE ASSISTANT ENGINEER,
GREATER CHENNAI CORPORATION, DIVISION 44, UNIT 11, ZONE 4, NO.266,
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WEB COPY



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