



W.P.No.34328 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.34328 of 2019

G. Thiyagrajan

... Petitioner

versus

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town,
Chennai- 600003.

2.Executive Engineer,
Zone X,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakam,
Chennai-21.

3.Assistant Executive Engineer,
Unit 31,
Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakam,
Chennai-21.



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4.The Assistant Engineer,
Division 132,
Greater Chennai Corporation,
No.117, N.S.K.Salai,
Kodambakkam,
Chennai-21.

5.The Chairman,
The Tamil Nadu Housing Board,
Nandanam, Chennai-35.

6.Mr.Mohan Seshadri.
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus calling for the records of the respondents 3 and 4 in respect of the notice issued under Section 56, 57 read with Section 85, of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Act 61 of 2008 bearing Notice No.10/00266/2018 dated 10/07/2018 issued by the respondents 3 and 4 as against the petitioner and thereon quash the same and consequently direct the respondents 1 to 4 not to disturb the petitioner from in any manner laying the solar panels in the petitioners portion of property at No.62/1 & 62/3, Indira Colony, 3rd Street, Ashok Nagar, Chennai – 600 083 and pass orders.

For Petitioner : A.Palaniappan

For Respondents : Mr.D.B.R.Prabhu
Standing Corporation
for respondents 1 to 4
Mr.D.Veerasekaran
for respondent No.5
Ms.R.V.Gayatri
for Mr.P.B.Ramanujam
for respondent No.6



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ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

This writ petition has been filed for a Certiorarified Mandamus calling for the records of the respondents 3 and 4 in respect of the notice issued under Section 56, 57 read with Section 85, of the Tamil Nadu Town and Country Planning Act, 1971 as amended by Act 61 of 2008 bearing Notice No.10/00266/2018 dated 10/07/2018 issued by the respondents 3 and 4 as against the petitioner and thereon quash the same and consequently direct the respondents 1 to 4 not to disturb the petitioner from in any manner laying the solar panels in the petitioner's portion of property at No.62/1 & 62/3, Indira Colony, 3rd Street, Ashok Nagar, Chennai – 600 083.

2. Learned counsel for the petitioner submits that the claim of the petitioner is that the land in question belongs to him and the patta also stands in his name. Therefore, the petitioner seeks permission to approach the appropriate authority for erecting the solar plant in the aforesaid land in question.



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3. Learned Counsel for the sixth respondent has objected that the petitioner is not entitled to erect the structure in the common area.

4. Since there are disputed facts, it would be appropriate that both the petitioner and the sixth respondent are directed to approach the Commissioner of Corporation, by placing all the relevant documents for considering the request of the petitioner for granting permission for erection of solar plant in the land in question.

5. Learned counsel for the sixth respondent submits that sufficient opportunity shall be granted before passing any order.

6. In view of above submissions made by the parties, we are inclined to pass orders as follows:

i) The writ petitioner shall submit his application with all relevant records within a period of one week from the date of receipt of a copy of this order.

ii) If any such representation is filed within the said time, the



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respondent Corporation shall cause notice on the sixth respondent in response to the representation made by the petitioner.

iii) Thereafter, the respondent Corporation is directed to consider the said application of the petitioner as well as the objection filed by the sixth respondent and pass orders on its own merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of the representation of the petitioner.

iv) Till such time, the petitioner shall not further carry out any work in the aforesaid land in question.

v) In case of rejection of the aforesaid petitioner's application, the respondent Corporation has to strictly comply with the undertaking given before this Court, to take steps to remove the structure in the land in question in accordance with law.

7. With the above directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.34995 of 2019, is closed.

[D.K.K., J.]

[P.D.B., J.]



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Index : Yes/No
Neutral Citation : Yes/No
mrn

D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.
(mrn)

To

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