



W.P.No.27718 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.27718 of 2017
and
W.M.P.No.29674 of 2017

A.C.Kalpana

.. Petitioner

Vs.

The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Erwin Street,
Egmore, Chennai-600 008.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for records on the file of the respondent in Letter No.Reg.11/B5(2)/28382/2003 dated 28.08.2017 and quash it as illegal, irregular without jurisdiction.

For Petitioner : Ms.Abirami
for Mr.V.Raghavachari

For Respondent : Mr.Y.Bhuvaneshkumar
Standing Counsel (CMDA)

ORDER



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(Order of the Court was delivered by V.M.VELUMANI, J.)

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The present Writ Petition is filed to call for records on the file of the respondent in Letter No.Reg.11/B5(2)/28382/2003 dated 28.08.2017 and quash it as illegal, irregular without jurisdiction.

2. Heard Ms.Abirami, learned counsel appearing for the petitioner as well as Mr.Y.Bhuvaneshkumar, learned Standing Counsel (CMDA) appearing for the respondent and perused the entire materials on record.

3. According to the petitioner, she has purchased the property in question in the year 1997. Immediately, she obtained permission for demolition and reconstruction. She completed the construction in the year 1998 and she obtained electricity connection in the year 1998. The Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) also provided water connection and the Corporation assessed the building for property tax for ground plus three floors. The petitioner is paying property tax as well as water tax regularly. As there was some deviation in the construction of the building from the approved plan, she applied for regularisation to the respondent on 27.06.2002 and paid a sum of Rs.80,703/- as regularisation fee. However, no order was passed



on the said application. The petitioner was under the impression that her application was accepted. Whiles, she received a notice dated 11.09.2016 to submit the documents to prove that building was constructed and completed prior to 28.02.1999. The petitioner by her letter dated 03.10.2016 furnished all the documents to prove that she had completed the construction prior to 28.02.1999. The respondent without considering the same, rejected the application of the petitioner for regularisation by the impugned order dated 28.08.2017.

4. The learned counsel appearing for the petitioner contended that the petitioner has proved that she had completed the construction prior to 28.02.1999 by furnishing the documents to the respondent and prayed for allowing the writ petition.

5. The respondent filed counter affidavit. The learned Standing Counsel appearing for the respondent submitted that the petitioner did not furnish the documents called for and in view of the same, order of rejection of her application is valid and legal and prayed for dismissal of the writ petition.

6. From the above materials on record, it is seen that it is the case



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of the petitioner that she has furnished the following documents along with reply dated 03.10.2016:-

- “1. CMDA 11.09.2016 Received Date 21.09.2016*
- 2. Sale Deed: Doc No. 2776/1997 Chennai – 7*
- 3. Plan & Received Date 17.03.1998*
- 4. Corporation Receipt Date From 01.04.1998 and 19.03.1998*
- 5. TNEB Receipt Dated 6.11.1998*
- 6. CMWSSB Receipt Dated 4.2.1999*
- 7. Grihapravesham on Date 12.02.1999”*

7. According to the learned counsel appearing for the respondent, the petitioner did not furnish any document.

8. In view of the above rival submissions, the petitioner is directed to furnish all the documents to the respondent to prove that her building was constructed and completed prior to 28.02.1999 within a period of two weeks from the date of receipt of a copy of this order. On receipt of said documents, the respondent is directed to consider the same and after giving personal hearing to the petitioner, pass orders in accordance with law.

9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



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(V.M.V., J) (R.H., J)
15.02.2023

Index : Yes / No

Neutral Citation : Yes / No

dm

To

The Member Secretary
Chennai Metropolitan Development Authority
1, Gandhi Erwin Street,
Egmore, Chennai-600 008.



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V.M.VELUMANI, J.
and
R.HEMALATHA, J.

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