



WEB COPY

W.P.No.10033 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10033 of 2018
W.M.P.No.11992 of 2018

T.Nagaru Pillai

...Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajar Building,
Egmore, Chennai – 600 008.
3. The Commissioner,
St. Thomas Mount Panchayat Union,
St. Thomas Mount,
Chennai.
4. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.



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5. The Executive Engineer,
Zone 15, Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 003.

6. The Gandhi Nagar Co-operative
Housing Society Ltd.,
No.22, Pumping Station Road,
Gandhi Nagar, Adyar,
Chennai – 600 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order in ref.No.PPA/WDCN15/00394/2018 dated 22.02.2018 of the fifth respondent herein, in respect of petitioner's plot No.255 in Survey No.323/2, 3A2, 3B of Chemmancherry Village and quash the same and direct the fifth respondent herein to forthwith consider the petitioner's application for building plan approval and grant approval for the same.

For Petitioner : Mr.RM.Venkatesh

For Respondents

For R1 : Mr.V.Manoharan
Additional Government Pleader

For R2 : Mrs.P.Veena Suresh
Standing Counsel

For R4 & R5 : Mrs.P.T.Rama Devi
Standing Counsel

For R6 : Mr.L.P.Shanmugasundaram



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ORDER

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This writ petition has been filed challenging the order dated 22.02.2018 passed by the fifth respondent, thereby rejected the representation submitted by the petitioner for grant of planning permission.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. On perusal of records revealed that the application submitted by the petitioner for building planning permission was rejected on the ground that the proposal plot sub-division was made after 28.02.1999 and as such, they are not eligible to regularise under the Revised Regularised Scheme 1999. The approval issued under Regularization Scheme is not valid. Therefore, the planning permission submitted by the petitioner could not be considered and rejected.

4. Considering the above facts and circumstances, the petitioner is at liberty to submit fresh application under the new Rules for the building planning approval, within a period of two weeks from the



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date of receipt of a copy of this Order and on receipt of the same, the respondents 4 & 5 are directed to consider the application submitted by the petitioner and pass orders on merits and in accordance with law, within a period of four weeks thereafter.

4. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.09.2024
(2/2)

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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