



W.P.No.7250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7250 of 2024

Vaishnavi Jayakumar

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Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Housing and Urban Development Department
Fort St. George, Chennai.
2. The Directorate of Town and Country Planning Authority
Rep. by its Director
2nd, 3rd & 4th Floor, C&E Market Road
Head Office, Koyambedu, Chennai – 600 017.
3. The Chennai Metropolitan Development Authority
Rep. by its Member Secretary
Thalamuthu-Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai – 600 008.
4. State Commissioner for Persons with Disabilities (Tamil Nadu)
Commissionerate for the Welfare of the Differently Abled
No.5, Kamarajar Salai,
Lady Willingdon College Campus
Chennai – 600 005.

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to strictly enforce Section 44 of the Rights of Persons with Disabilities Act, 2016 by issuing planning permission only after ensuring that the plan submitted for approval is compliant with the Harmonized guidelines and standards for Universal Accessibility in India, 2021 and issuing completion certificate only after inspection/access audit of the building to ensure that the building has been constructed in compliance with the Harmonized guidelines and standards for Universal Accessibility in India, 2021.

For the Petitioner : Mr.A.Yogeshwaran

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for R1, R2 & R4

Mr.Y.Bhuvanesh Kumar
for R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.A.Yogeshwaran, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1, 2 and 4 and Mr.Y.Bhuvanesh Kumar, learned counsel for respondent 3.

2. Directions are sought against the respondents to strictly enforce Section 44 of the Rights of Persons with Disabilities Act, 2016



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by issuing planning permission only after ensuring that the plan submitted for approval is compliant with the Harmonized Guidelines and Standards for Universal Accessibility in India, 2021.

3. It is submitted by learned counsel for the petitioner that without complying with the aforestated provisions, the building permission and the completion certificate are issued.

4. We cannot entertain the petition in abstract. If any act is done contrary to the law, then the person has got the right to agitate. In case the permissions are granted in violation of law, it is open for the aggrieved person to agitate against the same. If the petitioner could lay her hands on such building permission and completion certificate, being issued without adhering to the Rights of Persons with Disabilities Act, 2016 and the Harmonized Guidelines and Standards for Universal Accessibility in India, 2021, then the petitioner can agitate in respect of the same.



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5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.8096 and 8098 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.03.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Secretary
The State of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai.
2. The Director
The Directorate of Town and Country Planning Authority
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4. State Commissioner for Persons with Disabilities (Tamil Nadu)
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THE HON'BLE CHIEF JUSTICE
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(drm)

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