

In the High Court of Judicature at Madras

Dated: 30.11.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.24094 of 2006
and
M.P.No.1 of 2006

W.Amarnath ..Petitioner

..vs..

1. Chennai Metropolitan
Development Authority,
represented by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. Chennai City Municipal Corporation,
rep.by its Commissioner,
Ripon Building,
Chennai-600 003.

3. Government of Tamil Nadu,
rep.by its Secretary to
the Government,
Housing and Urban Development Department,
Secretariat, Chennai-600 009. ..Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent passed in G.O.(D) No.172 dated 13.03.2006, quash the same and direct the respondents to approve and sanction the revised plan submitted by the petitioner to the 1st respondent on 03.02.2004.

For Petitioner : Mr.P.K.Rajagopal

For Respondents : Mr.J.Ravindran for R1
Mr.E.R.K.Moorthy for R2
Mr.A.Edwin Prabhakar,
Government Advocate for R3

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Aggrieved by the order of the third respondent in G.O.(D).No.172 dated 13.03.2006, the petitioner has filed the above writ petition to quash the same and direct the respondents to approve and sanction the revised plan submitted by the petitioner to the 1st respondent on 03.02.2004.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. In view of the undertaking in the form of a reply affidavit dated 30.11.2006 filed by the petitioner, we are of the view that there is no need to refer all the factual details, as stated in the affidavit as well as the inspection report filed by the 1st respondent (C.M.D.A). Among the information furnished in the reply affidavit, para 9 is relevant, which reads as under:

"Admittedly, I am residing with my family in the first floor of the building. I hereby undertake to use the building in conformity with the planning permission and the Development Control Rules. I crave leave this Hon'ble Court to grant me a minimum of six months time to comply with the requirements and report compliance to the Chennai Metropolitan Development Authority".

The above undertaking is hereby recorded. Petitioner is granted six months time to comply with the requirements and report the compliance of the same to the 1st respondent. Till such time, the respondents are directed not to proceed / initiate action against the petitioner. It is made clear that after expiry of the time mentioned above, the 1st respondent is free to proceed in accordance with law.

4. With the above observation, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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To

1. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. The Commissioner
Chennai City Municipal Corporation,
Ripon Building,
Chennai-600 003.

3. The Secretary to the Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai-600 009.