

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2012

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN

W.P.No.34592 of 2012

Mr.Kishorekumar Gokaldass,  
rep. by the Managing Director of  
KG Foundations (P) Ltd.,  
Ground Floor,  
No.5, Bishop Wallers Avenue (East),  
Mylapore, Chennai-600 004.

.. Petitioner

Vs.

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

2. The Commissioner,  
Poonamallee Panchayat Union,  
Poonamallee-600 056.

3. The President, B.Palanzhur Village,  
Chembarambakkam Panchayat Board,  
Chembarambakkam-602 103.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the petitioner's application dated 27.1.2011 with regard to the planning permit/building permit for the proposed construction of stilt + 4 floors, 16 Blocks with Club House and homes having 640 residential units at Survey Nos.376/2, 376/3 and 377/1, B.Palanzhur Village, Poonamallee Taluk, Thiruvallur District.

For petitioner : Dr.P.Vasudevan

For respondents: Mr.M.Karthikeyan for R-1

Mr.R.Vijayakumar, Addl.G.P. for RR-2 & 3

ORDER

By consent of the learned counsel appearing for the parties, the Writ Petition itself is taken up for disposal at the stage of admission.

2. Heard Dr.P.Vasudevan, learned counsel for the petitioner, Mr.M.Karthikeyan, learned counsel for the first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 2 and 3.

3. The limited relief sought for by the petitioner in this Writ Petition is to direct the respondents to dispose of the petitioner's application dated 27.1.2011 in respect of grant of planning permit/building permit for the proposed construction of stilt + 4 floors, 16 Blocks with Club House and homes, having 640 residential units in S.Nos.376/2, 376/3 and 377/1, B.Palanzhur Village, Poonamallee Taluk, Thiruvallaur District.

4. From the pleadings, the grievance of the petitioner appears to be that the petitioner is the Managing Director of the Company, K.G. Foundations (P) Ltd., and by application, dated 9.2.2011, he applied for planning permission to the first respondent for the proposed development in the abovesaid survey numbers and the first respondent in principle has cleared the proposal for the said development and forwarded the same to the second respondent. Subsequently, the petitioner, through letter, dated 18.10.2012, submitted the details called for by the second respondent with regard to the copies of documents and certain valuations, which were received by the office of the second respondent on 20.10.2012. Thereafter, three Demand Drafts, dated 31.10.2012 for amounts of Rs.1,00,000/-, Rs.9,63,380/- and Rs.5,86,000/-, totalling to Rs.16,49,380/-, were handed over to the Block Development Officer, Poonamallee Taluk, as evidenced by the acknowledgement, dated 5.11.2012. These amounts are for Armed Force Flag Day Fund, the Manual Workers General Welfare Fund and Poonamallee Panchayat Union. The second respondent, through letter No.3616/2012/A3, dated 9.11.2012 called for certain details for giving the final building plan with sketch sanction, which pertain to the drinking water facilities and sewerage work undertaken and also sought for guarantee from the petitioner for ensuring that the drinking water and sewerage facilities will not affect the environment. The petitioner through letter dated 19.11.2012 provided all the details to the second respondent. Thereafter, there was no response from the second respondent with regard to the issuance of planning permit/building permit for the proposed construction and therefore, the petitioner made a further request through letters dated 6.12.2012 and 17.12.2012 requesting the second respondent to consider his application. There was no response from the respondents, even though a statutory obligation is provided under Section 202 of the Tamil Nadu District Municipalities Act to dispose of the application of the petitioner, dated 27.1.2011, within the time frame. Therefore, the petitioner is before this Court for the above relief.

5. Learned counsel for the petitioner submitted that the

respondents are under statutory obligation under Section 202 of the Tamil Nadu District Municipalities Act to dispose of the application of the petitioner, dated 27.1.2011 relating to grant of planning permit/building permit for the proposed construction.

6. Learned counsel for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 and 3, after going through the material documents annexed in the typed set of papers filed along with the Writ Petition, submitted that the respondents may be given a reasonable time to consider and dispose of the application of the petitioner, dated 27.1.2011 after giving the petitioner an opportunity of hearing.

7. Having regard to the facts and circumstances of the case and as the petitioner has already made an application, dated 27.1.2011 and claimed that he has complied with all the requirements and formalities and as per Section 202 of the Tamil Nadu District Municipalities Act, the respondents are under the obligation to consider the said application of the petitioner within a time frame, this Court, without advertting into the merits of the case, disposes of the Writ Petition, with a direction to the respondents to consider the said application of the petitioner, dated 27.1.2011, after giving the parties concerned a notice and an opportunity of hearing and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/  
Asst.Registrar(AS)

/true copy/

Sub Asst.Registrar

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To

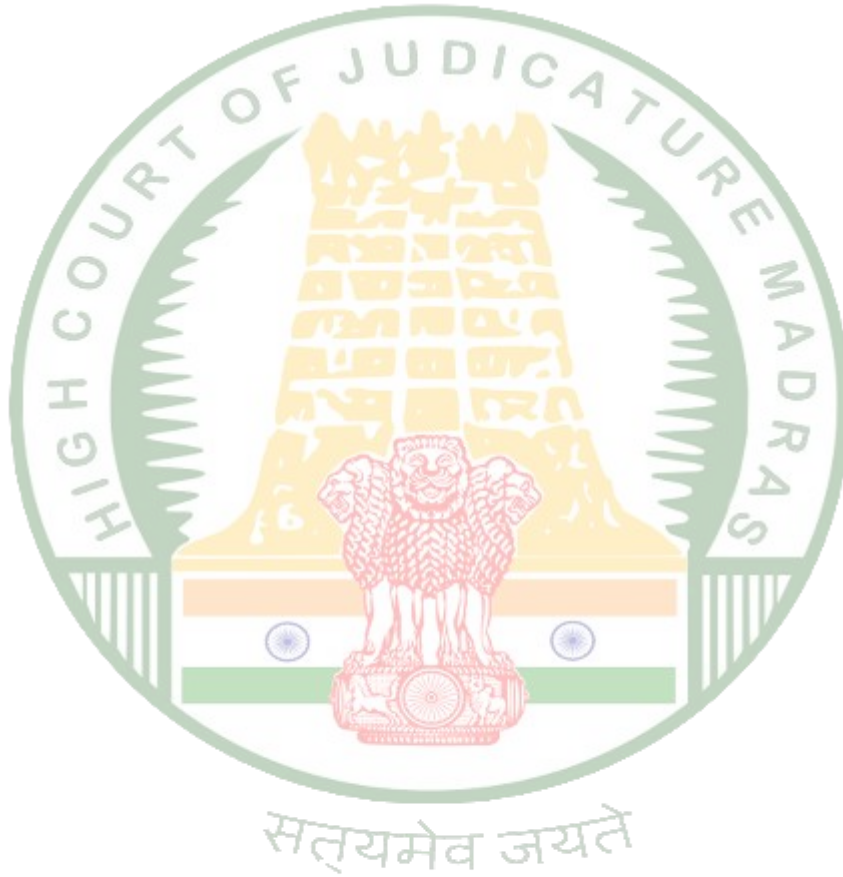
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Chembarambakkam-602 103.

+1cc to Mr.M.Karthikeyan, Advocate Sr 77966  
+1cc to Dr.P.Vasudevan, Advocate Sr 78023

SV(CO)  
km/31.12.

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