

(2016) 12 MAD CK 0087
In the Madras High Court
Case No : W.P. No. 23372 of 2005

Shanthi Krishnan

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 08-12-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 MLJ 257 : (2017) 1 WritLR 689

Hon'ble Judges : Mr. Sanjay Kishan Kaul, CJ. and Mr. R. Mahadevan, J.

Bench : Division Bench

Advocate : A. Yogeshwaran, Advocate, for the Petitioner; Su. Srinivasan, Assistant Solicitor General of India, T.N. Rajagopalan, Spl. GP, N. Sampath, Anandamurthy, Sathish Parasaran, Sr. Counsel for R Parthasarathy, Advocates, for the Respondents

Final Decision : Dismissed

Judgement

Mr. R. Mahadevan, J. - This writ petition has been filed to quash the order passed by the fifth respondent dated 02.03.2005 in G.O.(3D) No. 2 in Appeal No. 43194/UD-1/2004 and issue a consequential direction directing the respondents to demolish all construction at Plot Nos. 1, 2, 6 and 7 and forbear from putting up any construction on the seaward side of Coastal Road, Kalakshetra Colony, Chennai-600 90.

2. The facts leading to the filing of this writ petition are as under:

(i) The petitioner-Shanthi Krishnan is a resident of Kalakshetra Colony and the Vice-President of Kalakshetra Colony Welfare Association. It is stated by the petitioner that she moved to this locality two decades back on account of the quiet residential nature and abundance of ground water. This colony is located near the beach. But over the years, the colony has fallen pray to unscrupulous developers and many of the areas in the colony are converted into non-residential use. There has been intensive development inside Kalakshetra Colony, especially close to the beach, which has led to greater pressure on resources and

infrastructure. Mainly due to this intensive activity, the nesting grounds of the Olive Ridley turtles which nest along the Chennai coast from the Elliotts Beach to the southern out-skirts of the city, are threatened. Apart from the above precarious position, there is an increasing decline in the ground water availability and also increasing salinity in the ground water. This had occurred only due to unplanned development. The petitioner Association also invited officers of the Chennai Corporation and CMDA to meet the residents of the locality to discuss their concerns, but the same went in vain. Thereafter, the petitioner issued a Lawyer's notice dated 02.07.2004 to CMDA pointing out as to how the large scale building violations being carried out in the colony affecting the ground water table and how the large scale conversion of houses to commercial activity was affecting the colony. It is also stated that a large scale construction was put up on Cauvery Salai, very close to the junction of Coastal Road, which attracted lot of criticism from various quarters. It is further stated that these plots are situated at a distance of about 100 meters from high tide line, on the seaward side of coastal road where there is no existing road as of 1991 nor any existing approved structure as of 1991, between these plots and the high tide line. The petitioner states that she came to know that several empty plots on the coastal road, which were vacant in the year 1991, have been allotted to and purchased by families of senior bureaucrats and that even though those bureaucrats were aware about the legal prohibition against putting up construction under the Coastal Regulation Zone ("CRZ" in short) Notification which prevailed on the date of allotment and execution of sale deed, they entered into those transactions, with a hope that they could bend the law to suit their exigencies. It is further stated that major portion of land on the seaward side of coastal road is vacant and it is under threat due to inaction by the first and second respondents.

(ii) It is contended by the petitioner that some residents of the locality made representations to the official respondents/Government authorities, but there was no reply. The residents therefore caused a notice on 21.07.2004 calling upon them to furnish copies of any permissions/licenses which might have been issued and to take steps to cancel the same, as no construction is possible in the plot in question. It evoked no response. On the other hand, the construction activity had commenced in Plot Nos. 1 and 2 in Coastal Road, Kalakshetra Colony. Therefore, the petitioner along with the residents of the coastal road, filed a writ petition in W.P. No. 23812 of 2004 before this Court in which notice was ordered. While so, construction activity commenced in Plot Nos. 6 and 7 also. The continuing construction in Plot Nos. 1 and 2 and the newly commenced construction in Plot Nos. 6 and 7, were brought to the notice of this Court. The construction activity was inspected by Tamil Nadu Coastal Zone Management Authority ("CZMA" in short), which stated that the construction activity is impermissible under the Coastal Regulation Zone Notification. The CZMA also written to the CMDA on 11.03.2004 pointing out that construction of any building in the stated locations, would be illegal. In spite of all these, there was no cessation of construction activity. In respect of Plot Nos. 6 and 7, where the

construction activity was at the ground floor level, the petitioner along with others filed a writ petition in W.P. No. 32851 of 2004 and this Court disposed of the said writ petition on 08.12.2004 directing to file an appeal to the Chief Secretary to Government, Government of Tamil Nadu or any other authorised officer, and directed the Chief Secretary to dispose of the stay petition preferably within 13.12.2004 and the appeal within two months.

(iii) It is further stated by the petitioner that two appeals were filed under Section 79 of the Tamil Nadu Town and Country Planning Act on 09.12.2004 before the Government of Tamil Nadu. An interim application was also filed to grant stay of the impugned planning permit and to issue an injunction restraining the respondents from carrying out any further construction. Vide order dated 21.12.2004, the appellate authority rejected the stay petition, against which the petitioner filed a writ petition and the same was also dismissed by this Court on the ground that they did not want to interfere with the proceedings before the appellate authority as the appeal was still pending before the said authority. Thereafter, on 26.12.2004, tsunami struck the coastal areas of Bay of Bengal and the plots in question were also inundated by tsunami and the compound walls of the construction of the plots in question were knocked down by tsunami waves. After extensive arguments and several adjournments, the appellate authority rejected the very appeal, stating that the planning permissions are issued in conformity with the Development Control Rules of the CMDA. Challenging the same, the petitioner has come up with the present writ petition.

3. The learned counsel for the petitioner has submitted that the order passed by the appellate authority suffers from infirmities of law and fact and the same deserves to be set aside. He contended that the appellate authority failed to note that irreversible and irretrievable harm will be caused to the environment by the continuing construction. The appellate authority also failed to take note of the fact that the relevant authorities have also held that these plots are prohibited for construction by virtue of CRZ Notification. The appellate authority had committed an error in concluding that the planning permissions are issued in conformity with the Development Control Rules of CMDA. The appellate authority had committed an error in inferring that there is no violation of Coastal Regulation Zone II and that the permission was granted after following the rules and also the CRZ Notification dated 19.02.1991 and the amendments dated 09.07.1997. The appellate authority has erred in deciding the matter merely on the ground that the construction of the building is in pursuance of the sanctioned plan issued by the competent authority, according to the learned counsel for the petitioner.

4. The learned counsel for the petitioner further submitted that the appellate authority has erred in assuming that the view of the Director of Environment that the impugned construction was within the Coastal Regulation Zone II was based on the Government of India Notification issued in the year 1991 and not on the subsequent developments such as approval of the Government of Tamil Nadu

Coastal Zone Management Plan in 1996 and this Court's directions which were upheld by the Hon"ble Supreme Court. It is his further submission that the appellate authority had failed to note that the Member Secretary of the State Coastal Zone Management Authority has written to the CMDA about the breach of law on 19.03.2004, but the CMDA has issued the planning permit without referring the matter to the authorities implementing the CRZ Notification. He further submitted that the appellate authority had failed to note that the fifth respondent seems to have adopted a notional line between a building on the northern side of Plot Nos. 1 and 2 and a building on the southern side of Plot Nos. 6 and 7, for which planning permissions were granted; no reliance can be placed on the approval granted to these buildings as a justification for approval granted to construction on Plot Nos. 1, 2, 6 and 7 in Coastal Road, Kalakshetra Colony.

5. The learned counsel for the petitioner relied on the following judgments:

(a) Judgment of the Hon"ble Supreme Court in Esha Ekta Apartments Co-operative Housing Society Ltd. and Others v. Municipal Corporation of Mumbai and Others, in support of his contention that any person who undertook or carried out development or changes use of land without permission of Planning Authority is liable to be punished with imprisonment and at the same time, Planning Authority is empowered to require the owner to restore land to its original condition as it existed before development work was undertaken.

(b) Judgment of the Hon"ble Supreme Court in Vaamika Island (Green Lagoon Resort) v. Union of India and Others, wherein the direction issued by the High Court to demolish illegal constructions carried out for being in violation of the Coastal Regulation Zone (CRZ) Notifications, has been confirmed.

(c) Judgment of the Hon"ble Supreme Court in Union Territory of Lakshadweep and Others v. Seashells Beach Resort and Others, AIR 2012 SC 2309 : (2012) 6 SCC 136 : LNIND 2012 SC 320, in support of his contention that CRZ requirements have to be necessarily followed in all respects.

(d) Judgment of the Hon"ble Supreme Court in Piedade Filomena Gonslves v. State of Goa and Others, AIR 2004 SC 3112 : (2004) 3 SCC 445 : LNIND 2004 SC 314, wherein the direction of the High Court for demolishing the construction for violation of Coastal Regulation Zone Notifications, has been upheld.

6. Apart from the above judgments of the Hon"ble Supreme Court, the learned counsel for the petitioner also relied upon judgments of other High Courts in support of his contentions, and prayed for allowing this writ petition.

7. A counter affidavit has been filed on behalf of the first respondent in which it is stated that for the purpose of implementation and enforcement of the provisions of CRZ Notification and compliance with the conditions stipulated thereunder, the powers either original or delegated, is available under the Environment (Protection) Act, 1986 with the State Government and State Coastal

Zone Management Authority. It is also stated that the composition, tenure and mandate of State Coastal Zone Management Authority including the Tamil Nadu Coastal Zone Management Authority have been reconstituted and notified from time to time by the Ministry in terms of the orders of the Hon"ble Supreme Court in W.P. No. 664 of 1993. It is further stated that the main function of these authorities is to enquire into the cases of alleged violation of the provisions of the CRZ Notification 1991/2011 and take appropriate decision under Sections 5, 10 and 19 of the Environment (Protection) Act, 1986, and that they are empowered to enforce and monitor the provisions of CRZ Notification, 1991/2011. In to, it is stated that no constructions are permitted in the Coastal Regulation Zone-I (i) except those permitted under the Notification.

8. Reiterating the counter affidavit filed on behalf of the first respondent, the learned Assistant Solicitor General of India prayed for dismissal of this writ petition.

9. A counter affidavit has been filed by the sixth respondent-Chennai Metropolitan Development Authority, in which it is stated that CMDA, as a planning authority for Chennai Metropolitan Area is issuing planning permissions in accordance with the Master Plan and following the orders of the Government. The complaint is against the developments on the eastern side of the coastal road in the Tamil Nadu Housing Board layout. As per the Notification issued by the Government of India through the Ministry of Environment and Forests in SO 114(E) dated 19.02.1991, framing guidelines to regulate the development in coastal areas, CMDA had prepared the Coastal Zone Management Plan for Chennai Metropolitan Area and sent it to the Government of Tamil Nadu vide letter dated 12.09.1995 and it was also forwarded to the Union Government by the State Government. It is further submitted that CMDA has been regulating developments in the developed areas referred to in the CRZ Regulations. In 1999, the Government of Tamil Nadu, vide letter dated 03.06.1999 in Ref.No. 12237/EC(III)99, forwarded a copy of the judgment of this Court in W.A. No. 1287 of 1995 dated 14.12.1995 and W.P. No. 5971 of 1995 to CMDA requesting to take action in accordance with the observation made in that judgment while granting planning permission for the areas within Chennai Metropolitan Area falling under the coastal regulation zone. The said writ petition was filed to forbear the respondents therein from putting up any construction within 500 meters from the High Tide Line at Thiruvanmiyur, Chennai. In that judgment, it has been observed that the contention that because there is no existing structure or existing road directly between the impugned constructions and the sea, the norm prescribed in the Government Notifications is violated, is without any substance. An appeal preferred to the Hon"ble Supreme Court against the above judgment of this Court was dismissed thereby upholding the judgment passed by this Court. All these judgments were placed before the authority with recommendations setting out the guidelines to be followed for future developments in identical cases and a committee was also constituted and based on the recommendations of the committee, CMDA has issued guidelines in their

Circular Memo MEC1/7685 dated 12.04.2000, in which it is stated that when there is an existing public road, all development conforming to Development Control Rules may be permitted on the land ward side of the existing/approved building, irrespective of whether the proposed development is wider than the existing/approved building or not. Even when there is an existing/approved building directly in front of the water ward side, the proposed development conforming to Development Control Rules may be permitted on the land ward side of the existing/approved building, irrespective of whether the proposed development is wider than the existing/approved building or not. One another recommendation is, where there are existing/approved buildings in the area in general, though not directly in front of the water ward side of the proposed development, a line may notionally be drawn joining adjacent existing/approved buildings, within a reasonable distance of two or three plots and not large distances like a kilometer and all new developments conforming to Development Control Rules may be permitted on the landward side of this line, strictly ensuring that no new development is permitted on the water ward side of this line.

10. It is further stated in the counter affidavit filed by CMDA that the site covered in this writ petition lies in the city corporation area, which is a developed area, zoned in Coastal Management Plan as Coastal Regulation Zone-II. They lie in the Besant Nagar Extension Phase-I Scheme (neighbourhood area) acquired and developed by Tamil Nadu Housing Board with original approval for layout obtained in 1980. With regard to the grant of planning permission for the construction at Plot Nos. 1 and 2, it is submitted that the CMDA has taken into account the building in the north of the Plot Nos. 1 and 2 in S. No. 169/2 T.S. No. 278,279 and 280 Block No. 55 of Thiruvanmiyur Village approved in PPA No. B/spl.Bldg/19967/5 59/A-C/95 dated 19.10.1995 and the other approved building vide PP. No. 25494/50/99 dated 31.03.1999 in Plot No. 5 in the south of the coastal road. With regard to the grant of planning permission for the construction at Plot Nos. 6 and 7, it is stated that CMDA has taken into account the approved building in Plot No. 5 on the north vide approval No.PP/25495/50/99 dated 31.03.1999 and an approved building in Plot No. 9, on the south side vide PPA No. A/25274/ 96/98. Thus, according to CMDA, there is no irregularity in granting permission for Plot Nos. 1, 2, 6 and 7 in the coastal road, Thiruvanmiyur and it can never be treated to be in violation of CRZ II Rules.

11. Reiterating the submissions made in the counter affidavit filed on behalf of the sixth respondent and also rejecting the other grounds put forth by the learned counsel for the petitioner, the learned counsel for the sixth respondent prayed for dismissal of the writ petition.

12. A counter affidavit has been filed by the fifth respondent in which it is stated that in the Government Order in G.O.(3D)No. 2, Housing and Urban Development Department (UD1) dated 02.03.2005, it has been referred that it is inaccurate to say as if the construction sites are at a distance of about 100

metres. It is stated that there have been developments in that area at about 100-150 metres from the High Tide Line. Further the plots in question run along a concrete wall of about 6" height which was there for the past many years. This wall runs all along the area from north to south making it impossible even for human beings to cross from the beach side to the plots in question. With regard to the allegation of depletion in ground water and increased salinity, it is stated that the entire area was planned and layouts prepared and necessary infrastructure developed by Tamil Nadu Housing Board as in the case of any other developed plots. With regard to violations in respect of CRZ, the fifth respondent referred to the observation of this Court that just because there is no existing structure or road directly in between the impugned construction and the sea, the norm prescribed in the Government Notification is violated, is without any substance. With regard to the aspect of notional line, the stand taken by the sixth respondent has been adopted. Finally it is stated that there is no violation of Coastal Regulation Zone-U in granting planning permission to the plots in question.

13. Reiterating the counter affidavit filed on behalf of the fifth respondent, the learned counsel for the fifth respondent prayed that this writ petition has to be dismissed.

14. A counter affidavit has been filed on behalf of respondents 9 to 14, 16 to 22, 24, 25, 27 to 30, 33, 36 and 41, wherein it is stated that the writ petition deserves to be dismissed on the sole ground that the petitioner has failed to show any infirmity in the decision-making process culminating in the impugned order. It is emphatically submitted that the plots over which the impugned constructions have been built along the coastal road in Kalakshetra Colony, Besant Nagar. forms part of a scheme, viz. Besant Nagar Extension Scheme-I, formulated by the Tamil Nadu Housing Board, for which the layout approval was granted even as early as 1980. The said plots were developed by the 10th respondent pursuant to a Joint Venture Agreement with the owners of the plots (respondents 11 to 14 herein), who were legally allotted the plots by the Tamil Nadu Housing Board in the years 1995 and 1996. The pre-existing approved residential buildings of the owners were demolished for the purpose of development by the 10th respondent following the sanction of its Demolition Plan in the year 2004. Further, it is stated that the planning permits for the impugned constructions were granted by the CMDA on 18.08.2004 in respect of plots 6 and 7 and on 09.06.2006 in respect of plots 1 and 2. The CM DA also issued building permits on 08.09.2004 for plots 6 and 7 and on 30.06.2004 in respect of plots 1 and 2. It is also stated that permits were granted by the CMDA in favour of the 10th respondent only after satisfying itself about the CRZ norms as contained in the Notification on Coastal Regulation Zone bearing S.O. No. 114(E) dated 19.02.1991 issued by the first respondent. It is emphasised that the impugned properties which are required to be examined for the purpose of CRZ Notification, are the ones developed even prior to the issuance of CRZ Notification. Indisputably, two prominent buildings, viz. Ashtalakshmi Temple

situated adjacent to Plot Nos. 1 and 2 and Annai Velankanni Church situated within a short distance along the coastal road, were constructed much prior to the issuance of CRZ Notification. It is also stated that the impugned order of the fifth respondent dated 02.03.2005 holds good, because it has been rightly noted in the order that the buildings on the northern and southern side of the impugned property, after the drawing of a notional line, have been duly sanctioned during the years 1995, 1998 and 1999. It is contended that reference to these buildings by CMDA before granting permits to the impugned property is not based on an incorrect interpretation of the term "existing" in the CRZ Notification. Therefore, the question of the area not being developed and existence of other authorised structures does not arise.

15. It is also stated in the counter affidavit filed in respect of respondents 9 to 14, 16 to 22, 24, 25, 27 to 30, 33, 36 and 41, that the claim of negative impact in respect of nesting of olive ridley turtles is factually not correct as the impugned construction is separated from the beach by other pre-existing properties which are demarcated by compound walls, as revealed in the sketch plan of the area. The plea of ground water depletion has to be dismissed in view of the fact that the entire area was properly planned and only thereafter layouts were prepared by the Tamil Nadu Housing Board. Therefore, no cause of action arises giving the petitioner the right to challenge the impugned construction. It is also emphasised that statutory regulations governing the ground water utilization, including the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987 and the Rules framed thereunder are fully complied with. It is submitted that the impugned constructions comprising of two buildings, have been constructed duly in accordance with the norms applicable and that overall 32 dwelling units have been sold and the same is under occupation by the respondents 15 to 43 for over 11 years. Thus, it is submitted that if any adverse order is passed in the present proceedings, it would lead to grave hardship for them. Finally it is submitted that this writ petition has been filed by the petitioner Association only to ensure their continued enjoyment of the sea view.

16. Reiterating the submissions made in the counter, the learned counsel for the respondents 9 to 14, 16 to 22, 24, 25, 27 to 30, 33, 36 and 41, prayed for dismissal of the writ petition.

17. Heard the learned counsel on either side and perused the materials available on record carefully.

18. The impugned order is challenged by the petitioner Association firstly on the ground that olive ridley turtles are threatened due to unplanned development. With regard to this aspect, it is seen from the records that the claim of negative impact in respect of nesting of olive ridley turtles is factually not correct as the impugned construction is separated from the beach by other pre-existing properties which are demarcated by compound walls, as revealed in the sketch plan of the area. Further the plots in question run along a concrete wall of about 6" height which was there for the past many years and this wall runs all along

the area from north to south making it impossible for a person to cross from the beach side to the plots in question. Thus, the plea of negative impact in respect of nesting of olive ridley turtles, is unsustainable.

19. The next aspect to deal with is the plea of depletion of ground water. With regard to the allegation of depletion in ground water and increased salinity, the fifth respondent, in its counter, has stated that the entire area was planned and layouts prepared and necessary infrastructure developed by Tamil Nadu Housing Board as in the case of any other developed plots. The plots of the private I respondents fall in between storied houses/tenements on the north and south and any infrastructure including ground water available in the area should also be available to them. Hence any attempt to prevent construction on the plots in question on this ground cannot be justified, according to the fifth respondent. At any rate, the impugned construction cannot be singled out for anticipated depletion of ground water and possible increased salinity. This is a factual aspect and it does not require any interference. Further, we are of the view that the statutory regulations governing ground water utilisation are the Ground water Regulation Acts. Hence, the allegation of depletion in ground water and increased salinity, cannot be sustained.

20. With regard to the allegation of the petitioner as regards the large scale building violations being carried out in the colony by way of conversion of houses to commercial activity, and that these plots are situated at a distance of about 100 meters from high tide line, and that the permission has been granted in violation of CRZ Notification, it is seen that CMDA. is issuing planning permissions in accordance with the Master Plan and following the orders of the Government. Further the complaint is against the developments on the eastern side of the coastal road in the Tamil Nadu Housing Board layout. As per the Notification issued by the Government of India through the Ministry of Environment and Forests in SO 114(E) dated 19.02.1991, framing guidelines to regulate the development in coastal areas, CMDA had prepared the Coastal Zone Management Plan for Chennai Metropolitan Area and sent it to the Government of Tamil Nadu vide letter dated 12.09.1995 and it was also forwarded to the Union Government by the State Government. The CMDA has been regulating developments in the developed areas referred to in the CRZ Regulations. It is also the fact that the site covered in this writ petition lies in the city corporation area, which is a developed area, zoned in Coastal Management Plan as Coastal Regulation Zone-II. They lie in the Besant Nagar Extension Phase-I Scheme (neighbourhood area) acquired and developed by Tamil Nadu Housing Board with original approval for layout obtained in 1980. With regard to the grant of planning permission for the construction at Plot Nos. 1 and 2, the CMDA has taken into account the building in the north of the Plot Nos. 1 and 2 in S. No. 169/2 T.S. No. 278, 279 and 280 Block No. 55 of Thiruvanmiyur Village approved in PPA No.B/spl.Bldg/ 19967/559/A-C/95 dated 19.10.1995 and the other approved building vide PP. No. 25494/50/99 dated 31.03.1999 in Plot No. 5 in the south of the coastal road. With regard to the grant of planning permission for the construction at Plot Nos. 6 and

7, CMDA has taken into account the approved building in Plot No. 5 on the north side approval No.PP/25495/50/99 dated 31.03.1999 and an approved building in Plot No. 9, on the south side vide PPA No.A/25274/96/98. Thus, there is no irregularity in granting permission for Plot Nos. 1, 2, 6 and 7 in the coastal road, Thiruvannamiyur and it can never be treated to be in violation of CRZ II Rules. The fifth respondent has also taken the same view. Thus the allegation of large scale building violations, is unacceptable.

21. With regard to the contention of the learned counsel for the petitioner that the appellate authority had failed to note that the fifth respondent seems to have adopted a notional line between a building on the northern side of Plot Nos. 1 and 2, we find from the available records that upon the recommendations of the Committee consisting of Hon'ble Minister and Chairman for CMDA, Secretary to Government and others, CMDA has issued guidelines in their Circular Memo MEC1/7685 dated 12.04.2000, in which it is stated that when there is an existing public road, all development conforming to Development Control Rules may be permitted on the landward side of the existing/approved building, irrespective of whether the proposed development is wider than the existing/approved building or not. Even when there is an existing/approved building directly in front of the water ward side, the proposed development conforming to Development Control Rules may be permitted on the land ward side of the existing/approved building, irrespective of whether the proposed development is wider than the existing/approved building or not. One another recommendation is, where there are existing/approved buildings in the area in general, though not directly in front of the water ward side of the proposed development, a line may notionally be drawn joining adjacent existing/approved buildings, within a reasonable distance of two or three plots and not large distances like a kilometer and all new developments conforming to Development Control Rules may be permitted on the landward side of this line, strictly ensuring that no new development is permitted on the water ward side of this line. Further, according to the impugned order dated 02.03.2005, the buildings on the north and south side of the impugned property, after the drawing of a "notional line", have been duly sanctioned during the years 1995, 1998 and 1999. Further the adjacent buildings were granted approval only after the CRZ Notification, which were never challenged. Therefore, the dispute raised by the petitioner that the area is not developed and other unauthorised structures are present, is unsustainable. The question of unplanned development of the area also cannot be countenanced.

22. The other grounds raised by the petitioner are consequential and the same also will not stand, in view of the rejection of the main grounds, as discussed above. Further, in a writ petition filed under Article 226 of the Constitution of India, this Court cannot go into the disputed questions of fact.

23. In the result, the writ petition fails and is dismissed accordingly. No costs.