

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE Dr.JUSTICE P.DEVADASS

W.A.No.1704 of 2015
and
M.P.No.1 of 2015

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

... Appellant /4th Respondent

Vs.

- 1.P.Udhaya Bhaskar
rep by his General Power of Attorney,
P.Ramana Reddy
No.150/60, Rama Naicker Street,
Nungambakkam,
Chennai-600 034. ...Respondent/Petitioner
- 2.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.
- 3.The Executive Engineer,
Corporation of Chennai,
Zonal Office-X,
Chennai.
- 4.The Asst. Executive Engineer,
Division No.135, Zonal Office No.X
Corporation of Chennai,
No.36, G.Pulla Avenue,
Chennai-40. ... Respondents/Respondents
1 to 3

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 25.03.2015 passed in W.P.No.8469 of 2015.

WP.No.8469 of 2015:This Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to forthwith issue the Planning Permission to the premises at R.S. No.47 Block No.34 Puliur Village Old No. 32 New No.33 Railway Station Road Kodambakkam Chennai 24 without insisting to handover the area as per requisite facing the road through a registered Gift Deed to CMDA or the Corporation of Chennai.

For Appellant : Mr.K.Rajashrinivas

For Respondents: Mr.V.C.Selvasekaran for RR2 to 4

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petitioner / first respondent herein had come up with the writ petition, seeking for a direction to respondents 2 to 4 herein / respondents 1 to 3 therein to issue planning permission to the premises at R.S.No.47, Block No.34, Puliur Village, Old No.32, New No.33, Railway Station Road, Kodambakkam, Chennai-24.

2 It is noticed that the application for planning permission was not considered and a portion of the land, measuring 5.85 meters is likely to be acquired for the purpose of road widening.

3 Indisputably, no scheme or proposal for widening of the road is envisaged till date. Thus, a question arose as to whether the planning permission can be denied awaiting proposal for widening of the road. The learned Single Judge, recognising the importance of the road widening, disposed of the writ petition, recording the undertaking of the writ petitioner that whenever there is a proposal for road widening, the petitioner shall hand over the said portion to the appropriate authority, without any resistance. It was also observed that the writ petitioner shall be entitled to compensation for the same.

4 The learned counsel appearing for the appellant submits that the land is required for alignment. Though at present there is no proposal, however, the same may be made at an early date. It is further submitted that the writ petitioner/first respondent herein may be asked to surrender the land and not to construct any building, which may create obstruction in future.

5 Heard the learned counsel for the appellant, examined the pleadings and the order sought to be impugned in this appeal.

6 As evinced from the submissions and pleadings, no proposal for widening of road is in existence as on date. Thus, the writ petitioner cannot be made to await for the proposed widening, which is not even in contemplation. In future, if such decision is taken, the learned Single Judge has already directed the writ petitioner to submit an undertaking to make such land available for acquisition on payment of compensation.

7 We do not find any error in the conclusion reached by the learned Single Judge, which is unexceptionable, just and proper, warranting no interference of this court. Resultantly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk
To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.
- 2.The Executive Engineer,
Corporation of Chennai,
Zonal Office-X,
Chennai.
- 3.The Asst. Executive Engineer,
Division No.135, Zonal Office No.X
Corporation of Chennai,
No.36, G.Pulla Avenue,
Chennai-40.

+1 cc to Mr.K.Rajashrinivas Advocate sr.66792

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