

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.25426 of 2014

- 1.Devadoss Housing Private Limited
rep. By its Director Mr.V.N.Devadoss
- 2.VGN Homes Private Limited
rep. By its Director V.N.Devadoss. ... Petitioners

Vs.

- 1.Chennai Metropolitan Development Authority
rep. By its Member Secretary
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 2.Tamil Nadu Housing Board
rep. By its Managing Director
No.33, Anna Salai, Nandanam
Chennai 600 035.
- 3.The Block Development Officer
villivakkam Panchayat Union @ Ambattur
Chennai 600 053.
- 4.The Executive Engineer
J.J.Nagar Division
Tamilnadu Housing Board
Thirumangalam Shopping Complex
Thirumangalam, Chennai 600 101.
(R4 impleaded as per order made in
M.P.No.1 of 2015 in
WP.No.25426/2014 dated 6.2.2015) ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent herein to process the planning permission application for layout of house sites in respect of lands in Survey No.364/1, 413/1, 413/2A, 413/2B, 414/1 and 414/2 situated at Ayapakkam, Ambattur Taluk, Thiruvallore District without insisting any remarks from Tamil Nadu Housing Board as mentioned in condition NO.1 of first respondent

letter No.L1/5356/2014, dated 08.09.2014, thereby and grant necessary layout approval to the petitioners within the stipulated period.

For Petitioners: Mr.R.Bharath Kumar
For Respondents: Mr.K.Raja Srinivas -R1

Mr.V.Anandhamoorthy - R2

Mr.M.L.Mahendran, - R3
Govt. Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.R.Bharath Kuma, learned Counsel appearing for the petitioners, Mr.K.Raja Srinivas, learned Counsel appearing for the first respondents, Mr.V.Anandhamoorthy, learned counsel for second respondent and Mr.M.L.Mahendran, learned Government Advocate, learned counsel appearing for the third respondent.

3.The petitioners seek for issuance of a writ of mandamus to direct the first respondent to process the planning permission application for layout of house sites in respect of lands in Survey No.364/1, 413/1, 413/2A, 413/2B, 414/1 and 414/2 situated at Ayapakkam, Ambattur Taluk, Thiruvallore District without insisting any remarks from Tamil Nadu Housing Board as mentioned in condition NO.1 of first respondent letter No.L1/5356/2014, dated 08.09.2014, thereby and grant necessary layout approval to the petitioners.

4.The petitioners filed an application for planning permit and deviated the land into house site plots comprised in Survey No.364/1, 413/1, 413/2A, 413/2B, 414/1 and 414/2 situated at Ayapakkam, Ambattur Taluk, Thiruvallore District. The said application was submitted through proper channel and the application was also considered by the CMDA and the CMDA by order dated 08.09.2014, directed the petitioner to furnish the following particulars:

"1.The site under reference lies in proposed for land acquisition column by TNHB, the remarks from TNHB to be furnished.

2.For S.Nos. 364/1, 413/1, 414/2, Present Ownership document Nos. 4854/1997 only furnished. For which no parent doc or link doc furnished. Hence, you are requested to furnish the ownership certificate issued by the Deputy Tahsildar along with 'A' register for S.Nos. 364/1, 413/1, 414/2.

3.E.C. for the site under reference from the period of 30.12.13 to till date attested by Notary Public.
4.Compound wall constructed on the road portion to be removed and opened to Public and Photograph taken after the removal of compound wall to be furnished."

5.So far as the particulars sought for in Sl.Nos. 2 to 4, the learned counsel for the petitioners on instruction submitted that the petitioners are ready to produce the same.

6.Therefore, the Writ Petition is closed in so far as particulars sought for in condition Nos. 2 to 4, in the order of the first dated 08.09.2014, as unnecessary. The only point to be considered is with regard to condition No.1, which states that the site under reference lies in proposed for land acquisition column by TNHB, the remarks from TNHB to be furnished. In any event, it is relevant to take note of the Government Letter dated 01.08.2007, wherein the Government after careful consideration of the recommendation given by the Housing Board, accepted the recommendation and issued the following amendment:

"The authorities concerned shall not insist on No Objection Certificate (NOC) for the purpose of issuing planning permission/building approval of the lands covered in the LPS in the pre 4(1) notification stage and dispense with the present practice of getting No Objection Certificate from the Tamil Nadu Housing Board for the same."

7.The learned Standing Counsel appearing for the Tamil Nadu Housing Board, on instruction from the Executive Engineer & ADO, J.J.Nagar Division, dated 23.01.2015, submitted that at the initiation of pre 4(1) notification, the Government cancelled the land acquisition proposal for the Ayyappkkam village vide Government letter dated 01.08.2007.

8.In the light of the stand taken by the Tamil Nadu Housing Board, the petitioner is directed to furnish the particulars in Sl.Nos. 2 to 4, sought for in the order dated 08.09.2014 and thereafter, the respondents are directed to proceed in accordance with law, as expeditiously as possible. No costs.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

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

2.The Managing Director,
Tamil Nadu Housing Board
No.33, Anna Salai, Nandanam
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3.The Block Development Officer
villivakkam Panchayat Union @ Ambattur
Chennai 600 053.

4.The Executive Engineer
J.J.Nagar Division
Tamilnadu Housing Board
Thirumangalam Shopping Complex
Thirumangalam, Chennai 600 101.

+ 1 cc to Mr.K. Raja Srinivas, Advocate Sr.6904
+ 1 cc to Mr.V. Anandha Murthy, Advocate Sr.6723
+ 1 cc to Mr.R. Bharath Kumar, Advocate Sr.6547

KK(CO)
Eu 23.2.15

W.P. No.25426 of 2014
(2/2)

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