

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/10/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.23991 of 2015

a n d

M.P.Nos.1 and 2 of 2015

1. P. Vijayakalyani
  2. E. Siddharth Krishna
  3. E. Sujan Karthik
- ...Petitioners

Vs

1. The Superintending Engineer  
Regional Office  
Central Region  
Corporation of Chennai  
No.36G Pulla Avenue  
Shenoy Nagar  
Chennai 30.
  2. The Regional Deputy Commissioner  
Central Region  
Corporation of Chennai  
No.36 G Pulla Avenue  
Shenoy Nagar  
Chennai 30.
  3. The Chennai Metropolitan Development Authority  
rep. By its Member Secretary  
1 Gandhi Irwin Road  
Egmore  
Chennai 8.
- ...Respondents

(R.3 is impleaded as per order dated 13/8/2015  
made in M.P.No.3/2015 in W.P.No.23991 of 2015)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified mandamus calling for the records of the first respondent in Letter No.RDC © C.No./7123/15 dated 17/6/2015 and quash the same and consequently forbear the respondents from in any way interfering with the petitioner's peaceful possession and construction over the said property bearing New Door No.13 Old No.21 Karnan Street, Rangarajapuram, Kodambakkam, Chennai 600 024 in accordance with sanction plan.

For petitioner : Mr.P.Wilson  
Senior Counsel  
for Mr.Richardson Wilson

For respondents : Mrs.Karthikaa Ashok  
for R.R.1 and 2.  
Mr.K.Raja Srinivas for R.3.

O R D E R  
(delivered by SATISH K.AGNIHOTRI,J.)

With the consent of parties, the writ petition is taken up for final disposal.

2. This writ petition is filed impugning the communication sent by the Corporation of Chennai dated 17 June 2015, whereunder, the petitioner was instructed not to proceed further with the construction activity at Door No. New No.13, Old No.21 Karnan Street, Rangarajapuram, Kodambakkam, Chennai 24, till a clarification is obtained from the third respondent/Chennai Metropolitan Development Authority, Chennai, to verify whether the plot in question falls in the proposed Right of way.

3. During the pendency of this writ petition, the third respondent has sent a clarification by communication dated 19 August 2015, whereunder, it is observed as under:-

"It must be clearly understood that this is only by way of information. Any sub-division or construction of building or development in the land in question, is not valid

in law unless planning permission is applied for and duly granted for that sub-division, construction or development."

4. In that view of the matter, we are not inclined to adjudicate the dispute at this stage, reserving liberty to the Corporation to take a consequential decision on the basis of the aforesaid communication dated 19 August 2015. It is made clear that if the Corporation is intending to amend the planning approval, the same should be done only after issuing proper notice and after affording opportunity of hearing to the petitioner.

5. With the above observation, this writ petition is disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Superintending Engineer  
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Corporation of Chennai  
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Shenoy Nagar  
Chennai 30.
2. The Regional Deputy Commissioner  
Corporation of Chennai  
Central Region  
No.36 G Pulla Avenue  
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Chennai 30.

3. The Member Secretary  
Chennai Metropolitan Development Authority  
1 Gandhi Irwin Road  
Egmore  
Chennai 8.

1 CC to Mrs.Karthikaa Ashok, Advocate SR.No. 57033

1 CC to Mr.K.Raja Srinivas, Advocate SR.No. 57054

W.P. No.23991 of 2015

SKV (CO)  
PSI (19.11.2015)



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