

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.791 of 2015
and
M.P.No.1 of 2015

N.Raman

... Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi-Irwin Road,
Egmore,
Chennai-600 008.
2. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai-600 003.
3. The Additional/Joint/
Deputy Commissioner (Works),
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
4. The Regional Joint Commissioner/
Deputy Commissioner,
Corporation of Chennai,
Zonal Office Central (Anna Nagar),
No.12B, Pulla Avenue,
Thiru Vi Ka Park,
Shenoy Nagar,
Chennai-600 030.
5. P.A.Joy Kutty

6. The Commissioner,
Villivakkam Panchayat Union,
Villivakkam,
Chennai-49.
(R-6 impleaded as per order
dated 17.2.2015 in M.P.No.2/2015)

... Respondents

This writ petition is filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent authorities 1 to 4 to revoke the planning permission granted in favour of the 5th respondent vide planning permission No.BCI/8652/2012, dated 7.11.2013 and consequent proposal of further developments in pursuant to such planning permission in Survey Nos.66/1 & 66/2 Vanagaram village, formerly Ambattur Taluk, presently Maduravoyal Taluk, Tiruvallur District.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.N.Sampath for R-1
Mr.A.Nagarajan for RR2 to R4
Mr.V.P.Sengottuvel for R-5
Mr.P.S.Sivashanmugasundaram,
Spl.G.P for R-6

ORDER

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

The petitioner claiming to be the neighbour of the fifth respondent in respect of the property bearing Survey Nos.66/1 and 66/2, Vanagaram village, Ambattur Taluk, presently Maduravoyal Taluk, Tiruvallur District, has filed the writ petition seeking a direction to the respondents 1 to 4 to revoke the planning permission granted to the fifth respondent.

2. The grievance of the petitioner is that the planning permission was granted to the fifth respondent on 7.11.2013 for construction improperly. However, the construction is being carried out by making encroachment on the Government land. Thus, a direction be issued to quash the said planning permission, which has wrongly been granted.

3. Under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, any person aggrieved by the planning permission granted to any party is competent to prefer an appeal. Thus, the petitioner is competent to prefer an appeal before the appellate authority. Even otherwise, disputed question of facts are involved in the case, which cannot be adjudicated upon in the writ jurisdiction on the basis of the affidavits only.

4. The petitioner is at liberty to prefer an appeal, if so advised, under the provisions of law. If an appeal is filed within a period of one week from the date of receipt of copy of this order, the question of limitation may not be considered.

5. In view of the foregoing, nothing survives for adjudication in this writ petition. The writ petition is dismissed with the aforestated liberty. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi-Irwin Road,
Egmore,
Chennai-600 008.

2. The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai-600 003.

3. The Additional/Joint/
Deputy Commissioner (Works),
Corporation of Chennai,
Rippon Building,
Chennai-600 003.

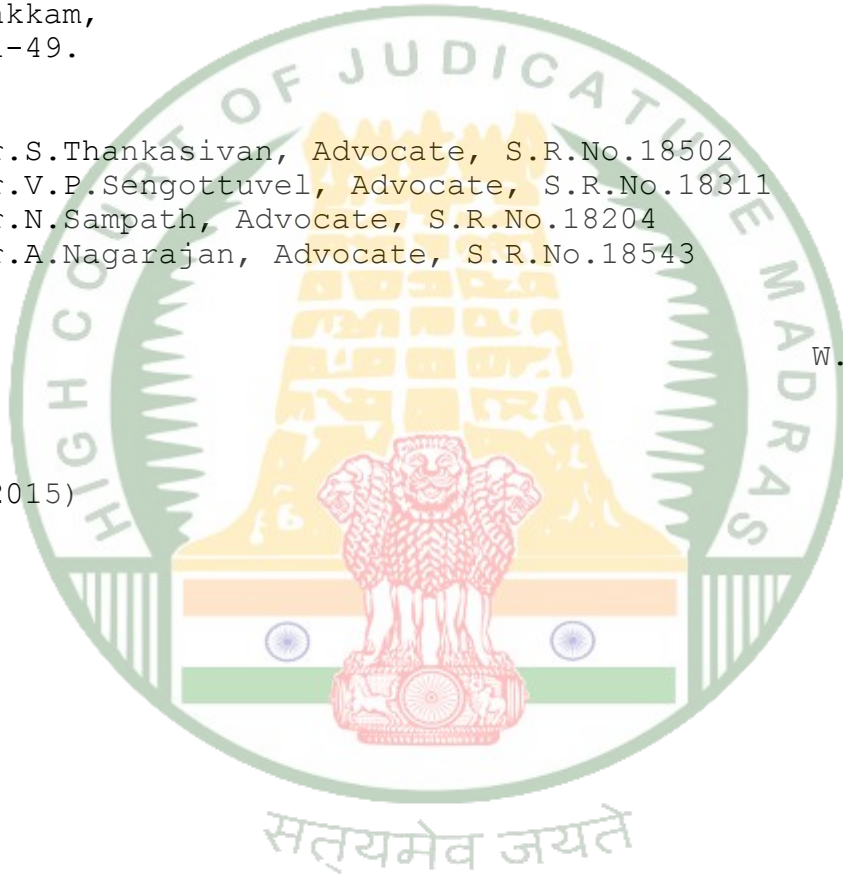
4. The Regional Joint Commissioner/
Deputy Commissioner,
Corporation of Chennai,
Zonal Office Central (Anna Nagar),
No.12B, Pulla Avenue,
Thiru Vi Ka Park,
Shenoy Nagar,
Chennai-600 030.

5. The Commissioner,
Villivakkam Panchayat Union,
Villivakkam,
Chennai-49.

+1cc to Mr.S.Thankasivan, Advocate, S.R.No.18502
+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.18311
+1cc to Mr.N.Sampath, Advocate, S.R.No.18204
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.18543

W.P.No.791 of 2015
and
M.P.No.1 of 2015

SR(CO)
CA(15/04/2015)



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