

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.10.2015

CORAM

The Hon'ble Mr. Justice N. KIRUBAKARAN

W.P.No.9944 of 2015

S.Sriramulu

.. Petitioner

vs.

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
- 2.The Regional Deputy Commissioner (Central),
Town Planning Approval Section,
Regional Office Centre,
Corporation of Chennai,
No.36G, Pulla Avenue,
Shenoy Nagar,
Chennai 600 040.
- 3.The Superintending Engineer,
Town Planning Approval Section,
Regional Office Centre,
Corporation of Chennai,
No.36G, Pulla Avenue,
Shenoy Nagar,
Chennai 600 040.
- 4.The Executive Engineer,
Town Planning Approval Section,
Regional Office Centre,
Corporation of Chennai,
No.36G, Pulla Avenue,
Shenoy Nagar,
Chennai 600 040.
- 5.The Tahsildar,
Ayanavaram Taluk Office,
Ayanavaram,
Chennai 600 023.

(The fifth respondent is

impleaded as per order
dated 31.08.2015 passed
in M.P.No.1 of 2015)

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Mandamus to direct the respondents to sanction building plan approval for construction of a residential building on the land measuring an extent of 1043.66 sq.ft bearing Old Door No.8, New Door No.21, R.S.No.368/1. Konnur village (Village No.71), Purasawalkam - Perambur Taluk (now Ayanavaram Taluk).

For Petitioner : Mr.V.Premkumar

For Respondents : Mr.P.V.Selva Kumar
1 to 4

For 5th Respondent : Mr.R.Lakshmi Narayanan,
Addl. Govt. Pleader

ORDER

The petitioner is the owner of the land measuring to an extent of 1043.66 sq.ft. bearing Old Door No.8, New Door No.21, Thiruveethi Amman Koil Street, Villivakkam, Chennai 600 049 comprised in R.S.No.368/1, Konnu Village (Village No.71) Purasawalkam - Perambur Taluk (now Ayanavaram Taluk).

2. The petitioner purchased the aforesaid property by way of two sale deeds dated 03.07.2009 and 25.03.2011. The petitioner proposed to put up a residential building and hence, applied for building plan approval. However, the fourth respondent returned the said application stating that patta in respect of the property stands in the name of the petitioner as well as the adjacent owner viz., Mr.M.Duraikannu. Therefore, the petitioner has come before this Court seeking issuance of a writ of mandamus to grant building plan approval for construction of a residential building.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the material available on record.

4. It is seen from paragraph 3 of the counter affidavit filed by the respondent Corporation that as per the registered documents, the measurement of the petitioner's land is shown as 1043.66 sq.ft. whereas, as per joint patta, measurement of the land is shown as 1494.66sq.ft. Therefore, the building plan cannot be granted.

5. In view of above, the fifth respondent is directed to make an inspection of the petitioner's property within a period of three weeks from the date of receipt of a copy of the order after issuing notice to the petitioner and the parties concerned and give fresh patta to the petitioner as per the measurement in consonance with the title. The fifth respondent is further directed to give separate patta to the petitioner based on the survey and measurement and send a copy of the same to the fourth respondent as well as to the petitioner within a period of two weeks thereafter.

6. In view of the above directions, the writ petition is disposed of. There is no order as to costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

cla

To

- 1.The Commissioner,
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Chennai 600 003.
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- 3.The Superintending Engineer,
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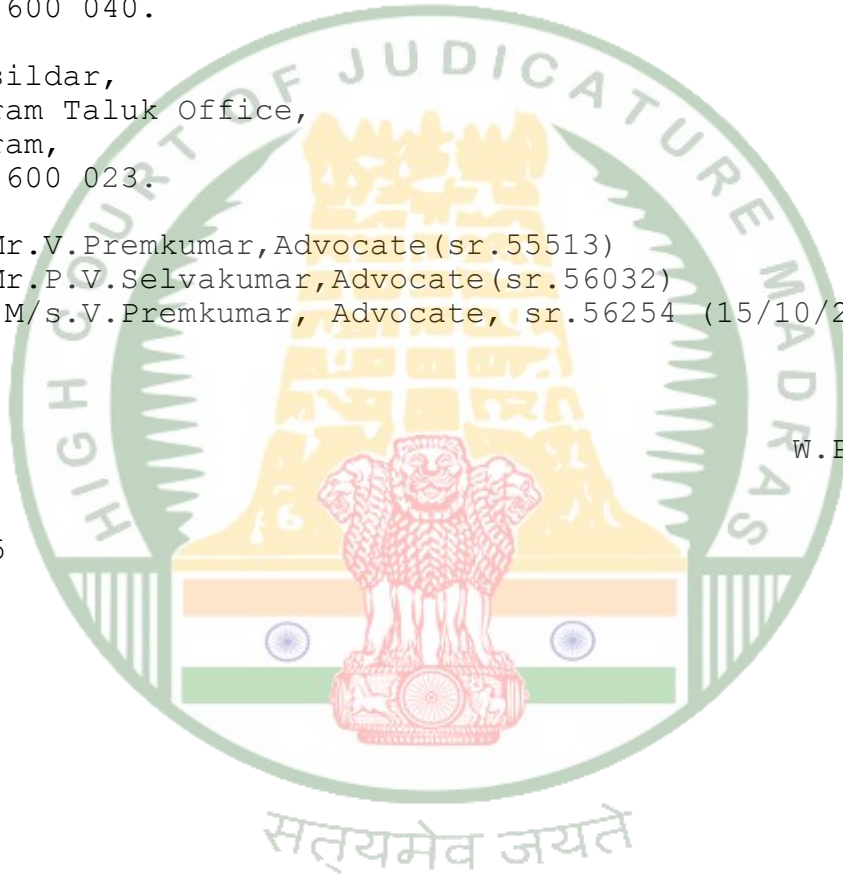
+1 cc to Mr.V.Premkumar,Advocate (sr.55513)

+1 cc to Mr.P.V.Selvakumar,Advocate (sr.56032)

+2 ccs to M/s.V.Premkumar, Advocate, sr.56254 (15/10/2015)

PA(co)
13/10/2015

W.P.No.9944 of 2015



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