

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

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

W.P.No. 11099 of 2016
and
W.M.P.No.9647 of 2016

M. Priya ... Petitioner

Vs

1. The State of Tamil Nadu,
represented by its Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
2. Chennai Metropolitan Development Authority,
represented by its Member Secretary,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Corporation of Chennai,
" Rippon Building"
Chennai 600 003.
4. V. Nalini
5. V. Ramanakumar

.. Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 3 not to consider the revised plan made by the respondents 4 and 5 in order to obtain approval for revised plan for Plot No.71 Dr. Guruswamy Street, Panneer Nagar Extension, Mogappair, Chennai.37 without hearing the petitioner.

SCHEDULE OF PROPERTY

All that piece and parcel of land and building property Plot No.71 situated at "Panneer Nagar", Mogappair Village, Chennai, measuring 2,400 Sq.ft. or thereabouts comprised in Survey No.257 of Mogappair Village, and bounded by-

North by:Plot No.70

South by:Plot No.72

East by :20 feet road

West by :Old Plot No.68, New Plot No.67

Schelule "B" Property

150 Sq.ft. Undivided share of land from and out of Schedule "A" property herein above.

For Petitioners: Mr. N. Srinivasulu

For Respondents: Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1
Mr. N. Sampath - R2
Mr. R. Arunmozhi - R3

ORDER

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

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3. With the consent of the learned counsel for the petitioner and the official respondents, the writ petition is taken up for final disposal.

2. This writ petition is filed seeking a direction to the respondents 1 to 3 not to consider the revised plan made by the respondents 4 and 5 in order to obtain approval for revised plan for Plot No.71 Dr. Gurunathan Street, Panneer Nagar Extension, Mogappair, Chennai.37 without hearing the petitioner.

3. The writ petitioner herein has come up earlier in WP No. 31052 of 2015, wherein, this Bench, considering the petition along with other writ petition filed one Mr.L.G.Ravi in WP No. 301 of 2016, passed the following order:-

"7. The Regional Deputy Commissioner (Central), Corporation of Chennai has filed a report dated 19th February, 2016, stating as under :

"12. I respectfully submit that the owner/developer has rectified and demolished the unauthorized construction of residential building portion one dwelling unit at Ground floor and 1 room with toilet at 3rd floor in Plot No.67, Dr.Gurunathan Street, Panneer Nagar Extension, Mogappair, Chennai-37 on 10.06.2015. Further the owner /developer has applied a fresh planning permission application at Corporation of Chennai vide PPA/WDCN07/06034/2015 dated 29.09.2015, which is under consideration. Since, we sought some clarification regarding deviation exemption from the Secretary to Government, Housing Urban Development Department.

13. I respectfully submit that since, the Owner/Developer of Plot No.71, Dr.Gurunathan Street, Panneer Nagar Extension, Mogappair, Chennai-37, has not complied as per G.O.(3D) No.24, Housing Urban Development (UD-V) Department dated 24.04.2015, as the owner/Developer has not applied a fresh Planning permission Application at Corporation of Chennai. Hence, Corporation of Chennai is bound to follow the G.O and reseal the four dwelling unit in first and second floor of Plot No.71, Dr.Gurunathan Street, Panneer Nagar Extension, Mogappair, Chennai-37."

8 Further, the Regional Deputy Commissioner (Central), Corporation of Chennai has submitted a compliance report, dated 14th March, 2016, stating that the unauthorised construction in plot No.71 has been fully demolished on 11th March, 2016. As aforesated, unauthorised portion in the residential building in plot No.67 has already been reported to have been demolished earlier."

4. Now, the instant writ petition has been preferred for a direction to the respondents 1 to 3 not to consider the revised plan. In such an eventuality, no direction for any purpose is required to be passed in the same subject matter and as such, this writ petition is dismissed. No costs. Connected W.M.P. is closed

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The State of Tamil Nadu,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.
 2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008.
 3. The Commissioner,
Corporation of Chennai,
" Rippon Building"
Chennai 600 003.
- +1cc to M/S.N.Sampath, Advocate, S.R.No.20251
+1cc to Mr.N.Srinivasulu, Advocate, S.R.No.20824
+1cc to Mr.R.Arunmozhi, Advocate Sr.20660
+1cc the Government Pleader Sr.20949

W.P. No. 11099 of 2016

rsi(CO)
srg(25/04/2016)