

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.17281 of 2016
and W.M.P.Nos.14765 and 14766 of 2016

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... Petitioner

-vs-

1.Chief Electoral Officer for
Tamil Nadu, Fort St. George,
Chennai 600 009.

2.Chennai Metropolitan Development
Authority, rep. By its Member Secretary,
Egmore, Chennai 600 009.

3.The Managing Director,
Tamil Nadu Housing Board,
Chennai 600 035.

4.Executive Engineer,
Tamil Nadu Housing Board,
Satellite City, Poonamallee Post,
Poonamallee Taluk, Thiruvallur Dist.

5.The District Collector,
Thiruvallur District,
Thiruvallur.

6.Revenue Divisional Officer for
Thiruvallur Revenue Division &
Returning Officer, Poonamallee
Assembly Constituency, Thiruvallur,
Thiruvallur District.

7.Superintendent of Police,
Thiruvallur District, Thiruvallur.

8.Tahsildar of Poonamallee Taluk,
Poonamallee, Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the third and fourth respondents to construct road and bridge in Sunnambu Varavakul Odai (River) in Survey No.117 in Chembarambakkam Village Panchayat in Poonamallee Panchayat Union in Thiruvallur District after obtaining Planning Permit from the second respondent and Building permission from the Executive Authority of Chembarampakkam Village Panchayat.

For Petitioner : Mr.A.Immanuel
For Respondents : Mr.V.Anandhamoorthy for RR 3 & 4
: Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 5 to 8

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned counsel for the Tamil Nadu Housing board states that the planning permission has been granted for construction of the road to strengthen the bund by the Chief Engineer, WRD issued on 23.06.2016 subject to certain terms and conditions. A copy of the same has been placed on record before us.

2.Learned counsel also points out that the petitioner before the Court had already issued No Objection Certificate for alienation of portion of Government water course poramboke land measuring 0.12.0 hectares in the said Survey No.117, Chembarambakkam Village to Tamil Nadu Housing Board for implementation of Satellite Township Scheme Work vide Panchayat Resolution No.63/2015 dated 20.03.2015 and despite that, has filed the present petition.

3.We have put the learned counsel for the Tamil Nadu Housing Board to notice that neither any consent nor permission would however enable any water poramboke to be constructed upon in any manner whatsoever in view of the Full Bench judgment of this Court in T.K.Shanmugam vs. State of Tamil Nadu, 2015 WLR 1029.

4.Writ petition is, thus, closed in the aforesaid terms.
No costs. Consequently, W.M.P.Nos.14765 and 14766 of 2016 also
stand closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

sra

To

- 1.Chief Electoral Officer for
Tamil Nadu, Fort St. George,
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 - 7.Superintendent of Police,
Thiruvallur District, Thiruvallur.
 - 8.Tahsildar of Poonamallee Taluk,
Poonamallee, Thiruvallur District.
- + 1 CC to Government Pleader SR NO 38789
+ 1 CC to Mr.A.Immanuel, Advocate SR NO 38617
+ 1 CC to Mr.V.Anandhamoorthy, Advocate SR NO 38599
+ 1 cc to Mr.C.Johnson, Advocate SR NO 38720

W.P.No.17281 of 2016

NRJK[CO]
GP/