

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.18148 of 2016
and W.M.P.Nos.15918 and 15919 of 2016

American Baptist Foreign Mission
Society, Rep. By its Custodian, A.J.Samuel. ... Petitioner

-vs-

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai 600 003.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

3.The Property Association of Baptist
Churches Private Ltd., rep. By its
Executive Director.

4.Dhanraj Kochar

5.Inderchand D.Kochar

6.Narayana Educational Institutions,
7/15, EVK Sampath Salai, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to cancel the approval of the building plan issued under Ref.No.BA/WDCNO5/00954/2016 dated 11.03.2016 in respect of the property comprised in D.No.7 now D.No.7/15, Rundals Road, (Now EVK Sampath Salai), Vepery, Chennai 600 007, comprised in Survey No.25, measuring about 6.75 grounds and bounded on the North by Private building (CNT Polytechnic), South by Baptist Church Compound East by private land and buildings (Jain College

and buildings) and West by public road.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.R.Arunmozhi for R-1
; Mr.C.Johnson for R-2
: Mr.P.L.Narayanan for RR 4 and 5

O R D E R

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

On hearing the learned counsel for parties and perusal of the pleadings more specifically the counter-affidavit of the Corporation, it is quite apparent that the endeavour of the petitioner in O.S.No.9553 of 2010 filed before the City Civil Court, Chennai, was unsuccessful on account of the own negligence of the petitioner and the suit was dismissed for non-prosecution on 13.08.2015 and the endeavour to restore the suit also met the same fate on 22.02.2016. It is in view thereof that the planning permission has been granted to the fourth respondent after scrutinising all relevant documents vide building approval dated 11.03.2016.

2.We are informed by the learned counsel for the petitioner that Civil Miscellaneous Appeal No.896 of 2016 has been filed. Be that as it may, the process of this writ proceedings cannot be utilised to nullify the effect of dismissal of the suit.

3.Writ petition is, accordingly, dismissed. No costs. Consequently, W.M.P.Nos.15918 and 15919 of 2016 also stand dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

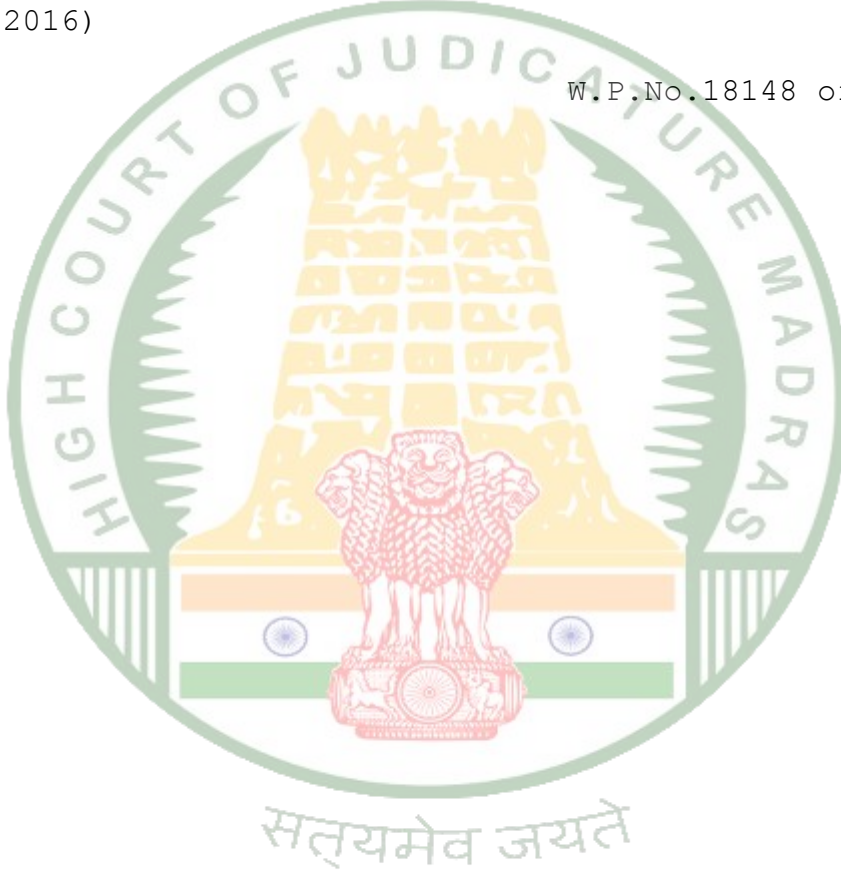
1.The Commissioner,
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+1cc to Mr.R. Rajaramani, Advocate, S.R.No.64682
+1cc to Mr.R. Arunmozhi, Advocate, S.R.No.64426
+1cc to M/s.C.Johnson, Advocate Sr.No.64449
+1cc to M/s.P.L.Narayanan, Advocate Sr.No.64421

mv (CO)
md (17/11/2016)

W.P.No.18148 of 2016



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