

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM

THE HON'BLE MR. JUSTICE M.S. RAMESH

W.P.No.8855 of 2013

M.P. No. 1 of 2013

M/s. Lucky Mercantile Limited,
Rep. by its Director,
Mr. Suresh Chand Kothari,
No.17, Vaikuntha Vathiyar Street,
Sowcarpet, Chennai - 600 079

... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone XV,
Corporation of Chennai,
Shozhinganallur,
Chennai - 600 119.
3. The Divisional Engineer,
Chennai City Roads Division,
Urban Highways Department,
Chennai.
4. Tamil Nadu Road Development Corporation,
Rep by Managing Director,
No.346, Pantheon Road,
2nd Floor, Egmore, Chennai - 600 008
(R4 implied as per order dated 18.06.2013
by KKSJ in MP.2/13 in WP.8855/13)

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent 1 and 2 to issue a planning permission for the development of their property bearing plot No.7 in S.No.2/1A/1, Shozhinganallur, East Coast Road, in Shozhinganallur Village, Kancheepuram District to the petitioner as per the advice letter dated 18.04.2012, issued by the second respondent in his letter

No.W.D.C.No.PPA/WDC15/06019/2011 without insisting any NOC from the 3rd Respondent and to pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.G.Anantharangan for R1 & R2

Mr.R.Govindasamy,
Special Government Pleader for R3

Mr.M.Sivavarthanan for R4

O R D E R

The petitioner has sought for a direction to issue planning permission for the development of their property at plot No.7 in survey No. 217A/1 at Solinganallur, East Coast Road, without insisting "No Objection Certificate" from the third respondent.

2. When the matter is taken up for hearing today, the learned counsel for the fourth respondent would submit that an extent of 9.40 meters X 27.00 meters in survey No. 2/10 is required for expansion of the ECR, the plan submitted by the petitioner falls within this proposed acquisition.

3. The learned counsel for the petitioner would submit that in these circumstances, the petitioner intends to submit a revised plan to respondents 1 and 2, excluding the proposed acquisition area.

4. Under such circumstances, this Court is of the opinion that no further order is required in this writ petition. In case, if the petitioner submits revised plan, the first and second respondents are directed to consider the same as expeditiously as possible.

5. With the above directions the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
2. The Executive Engineer,
Zone XV,
Corporation of Chennai,
Shozhinganallur,
Chennai - 600 119.
3. The Divisional Engineer,
Chennai City Roads Division,
Urban Highways Department,
Chennai.
4. The Managing Director,
Tamil Nadu Road Development Corporation,
No.346, Pantheon Road,
2nd Floor, Egmore, Chennai - 600 008.

+1cc to Mr.R.Manickavel, Advocate, S.R.No.64233
+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.64186
+1cc to Mr.G.Anantharangan, Advocate, S.R.No.64114
+1cc to the Government Pleader, S.R.No.64973

W.P.No.8855 of 2013
M.P.No.1 of 2013

CA(22/11/2016)

सत्यमेव जयते

WEB COPY