

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2016

CORAM

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.33917 of 2013

and

M.P.No.1 of 2013

Vaname Ellai Podhu Nala Sangam,
rep. by its President M.Devendiran,
No.9, Dr. Ambedkar Street,
Puzhal, Chennai-600 066. ... Petitioner

-vs-

- 1.The District Collector,
Thiruvallur District,
Thruvallur.
- 2.The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.
- 3.The Commissioner,
Corporation of Chennai,
Chennai-600 003.
- 4.The Zonal Officer,
Madhavaram,
Corporation of Chennai,
Chennai-600 060.
- 5.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai-600 032.
- 6.The Managing Director,
Sai Sravanthi Infra Projects (P) Ltd.,
No.122/A, Ambattur to Puzhal Main Road,
Surapet, Chennai-600 066. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 5 to take immediate steps to stop further construction and appropriate action against the sixth respondent in accordance with law and consequently forbear the sixth respondent from constructing housing flats in "Phase-II Pavani Palms" at No.122/A, Ambattur to Puzhal Main Road, Surapet,

Chennai-600 066 without proper approval from the appropriate authorities.

For Petitioner : Mr.M.Vijay Anand
for
M/s.Sree Sun Associates

For Respondents: Mr.STS.Moorthy
Govt. Pleader for R1
Mr.K.Rajasrinivas for R2
Mr.R.Arunmozhi for R3 & R4
Mrs.Rita Chandrasekar for R5
Mr.Guberan
for
M/s.Rank Associates for R6

ORDER

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

The President of the petitioner sangam seeks to file the present writ petition alleging that respondent No.6 is carrying on the construction of residential apartments named as "Phase-II Pavani Palms" at No.122/A, Ambattur-Puzhal Main Road, Surapet, Chennai-66, which is on the banks of Puzhal Water Reservoir, which is the main source of water for the entire district.

2. The petitioner claims that some representations from the general public were received by it and they have called upon respondent No.6 to stop further construction unless approvals are obtained. It is alleged that the area does not have proper drainage facilities, though nearby an important water resource - Puzhal Eri is present.

3. The counter-affidavit filed by respondent No.5/Tamil Nadu Pollution Control Board unequivocally avers that an inspection was carried at the site on 28.01.2014. Larger project consists of different phases. The site is located about 150 metres from the bank of Red-Hills lake on the eastern side. Building permission had been granted by the Chennai Corporation and individual septic tank for the treatment of sewage generated from the individual blocks was stipulated. Since permission had already been obtained, no infirmity was found.

4. Respondent No.6 being the private affected party has also filed the counter-affidavit. It has been specifically averred with details in paragraph 3 - necessary approvals have been obtained qua the plan. The very premise of the construction without approval is thus denied. The allegation in fact is of harassment by the petitioner without verifying the details, coupled with the fact that the alleged complaints received from the public have not even been filed. It is, in

fact, averred that respondent No.6 had made available all the details to the petitioner in response to the letters. But despite that the petitioner chose to write to various authorities unconnected with the development of the project.

5. We are of the view that in view of the facts disclosed in the counter-affidavit of respondent No.6, the allegation of the petitioner without any supporting documents to the contrary, cannot be believed. The exercise carried out by the petitioner seems to have some other motive. The approvals granted by the Chennai Corporation have been placed on record. The petitioner cannot make a grievance that he wants to scrutinise all approvals as if he is the Appellate Authority.

6. The writ petition is dismissed. No costs.
Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

bbr

To

1.The District Collector,
Thiruvallur District,
Thruvallur.

1 cc to M/s.K. Raja Srinivas, Advocate, Sr. 35229
1 cc to M/s. Rita Chandrasekar, Advocate, Sr. 34565
1 cc to Government Pleader, Sr. 34745

सत्यमेव जयते

W.P.No.33917 of 2013

RP (CO)
EU 14.7.16

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