

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.19627 of 2010
and
M.P.No.2 of 2010

G.Krishnamurthy

...Petitioner

Vs.

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Chennai.
 2. The District Collector,
Thiruvallur District,
Thiruvallur.
 3. The Commissioner,
Poonamallee Municipality,
Chennai - 56.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records pertaining to the impugned resolution passed by the third respondent in Item No.22, in meeting No.2 of 2010-11, dated 08.06.2010, and to quash the same as illegal and violative of Tamil Nadu Town and Country Planning Act and Rules and consequently, forbearing the respondents 2 and 3 from putting up any construction at the place, which has been reserved as open space by the planning authority, viz., the first respondent while approving the layout vide PP(C)/L.O.No.16/76, thereafter, it has been revised vide PPN/L.O. No.23/80.

For Petitioner : Mr.M.S.Govindarajan

For Respondent -1 : Mr.K.Rajasrinivas

For Respondent- 2 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent -3 : Mr.P.R.Dhinesh Kumar

O R D E R

The petitioner has been filed this Writ Petition seeking for the following relief:-

i) To quash the resolution passed by the third respondent, dated 08.06.2010, and consequently, to forbear the respondents 2 and 3 from putting up any construction at the place, which has been reserved as open space by the planning authority/first respondent.

2. Heard the learned counsels appearing for the respective parties.

3. From the counter affidavit filed by the third respondent, viz., Commissioner, Poonamallee Municipality, it seen that the third respondent has conceded to the relief, as sought for by the petitioner. It is relevant to note the stand taken by him, in para No.14 of the counter affidavit, which is extracted hereunder:"-

" I submit that, since the intention of the petitioner and that of the Poonamallee Municipality is the same, i.e., to bring up a park in the open space, the petitioner will not have any serious objections in the proposal of the Municipality to bring up a park in the above Rukmani Nagar open site of 16700 sq. ft.. Hence, the undertaking given by us (vide this counter affidavit) that the construction of a park alone in the open site at Rukmani Nagar may be recorded by this Court and the Writ Petition may be disposed of accordingly."

4. The above undertaking given by the third respondent via., counter affidavit is placed on record. Accordingly, the Writ Petition is allowed as prayed for. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Chennai.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Commissioner,
Poonamallee Municipality,
Chennai - 56.

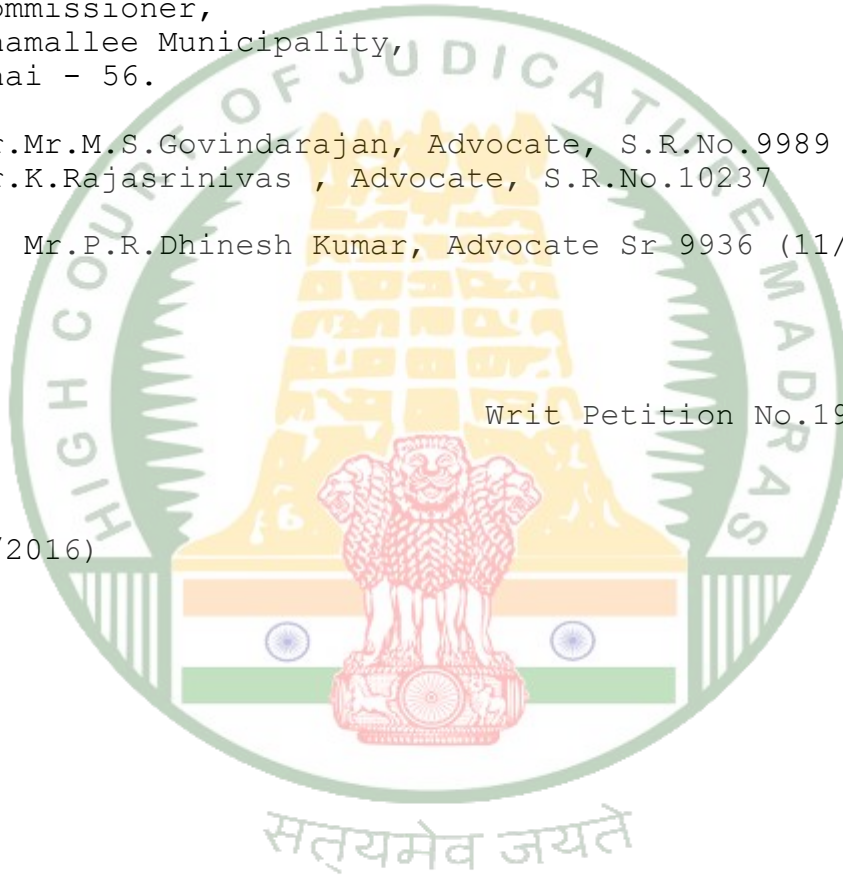
+1cc to Mr.Mr.M.S.Govindarajan, Advocate, S.R.No.9989

+1cc to Mr.K.Rajasrinivas , Advocate, S.R.No.10237

+ 1 cc to Mr.P.R.Dhinesh Kumar, Advocate Sr 9936 (11/3/16)

Writ Petition No.19627 of 2010

vsn (CO)
srg (27/02/2016)



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