

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Second Appeal No.678 of 2016

Judgment:

As against the concurrent judgments and decrees of permanent injunction granted by two Courts below in favour of the plaintiffs, the defendant/promoter of the layout has come up with the above second appeal.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the appellant.

3. The suit for bare injunction was laid by the plaintiffs (the respondents herein), on the basis of 3 sale deeds Exs.A-1 to A-3 executed admittedly by the appellant herein/defendant. The only defence set up by the appellant herein to the suit was that the sale deeds were executed before the layout approval was obtained and that at the time of layout approval, some portion of the land sold to the plaintiffs, had to be earmarked for public purposes such as roads etc. This contention was rejected by both the Courts below forcing the promoter to come up with the above second appeal.

4. It is fundamental that no person can take advantage of his own wrong. The appellant, in the first instance, was not entitled to execute the sale deeds under Exs.A-1 to A-3, before obtaining layout approval. Once he has done that, he cannot alter the boundaries of the property or the extent, without the concurrence of the owners. Therefore, both the Courts below were right in decreeing the suit. I find no

substantial question of law to interfere with the same. Hence, the second appeal is dismissed. The miscellaneous petitions, if any, pending in this second appeal shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

25th November, 2016.
Ak



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