

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33306 of 2017
& WMP No.36745 of 2017

A.Yashasvini

... Petitioner

vs.

1. The Secretary to Government,
Housing and Urban Development Secretariat,
Chennai -9.
2. The Director of Town and Country Planning,
807, Anna Salai,
Chennai - 2.
3. The Member Secretary,
Hosur New Town Development Authority,
Nethaji Road, Hosur.
4. The District Collector,
Collectorate, Krishnagiri.
5. The Block Development Officer,
Panchayat Union Office, Hosur.
6. C.Srinivasalu ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 3 and 5 to not to grant any approval to the 6th respondent in respect of the land bearing S.No.60/5A, 61/5, 62/3A of Kalahasthipuram Village, Hosur Taluk, Krishnagiri District based on the representation dated 05.12.2017.

For Petitioner : M/s.C.Vishwanth
For RR1 to 4 : Mr.R.Venkatesh, G.A.
For R5 : M/s.Rajeshwaran, Spl.G.P.

O R D E R

The petitioner has filed this writ petition to direct the respondents 3 and 5 not to grant any approval to the 6th respondent in respect of the land bearing S.No.60/5A, 61/5, 62/3A of Kalahasthipuram Village, Hosur Taluk, Krishnagiri District based on the representation dated 05.12.2017.

2. According to the petitioner, the petitioner's ancestral property was sold in favour of the 6th respondent and the petitioner, after obtaining majority, has filed a suit in

O.S.No.46/2017 before the District Munsif Court, Hosur for the declaration of the sale deed as null and void and also for the relief of partition of the suit schedule property.

3. As on date, there is no interim order in the said suit and the 6th respondent has also filed written statement. According to the petitioner, the 6th respondent is attempting to sell the suit schedule property by promoting for real estate plots. Hence, the petitioner immediately made a representation to the statutory authorities not to grant any approval. However, the statutory authorities received the objection and taken steps to grant permission. Hence, the petitioner has filed this writ petition with the prayer stated supra.

4. Heard both sides and perused the materials available on record.

5. Since the matter has to be decided by the Civil Court, this Court is not going into the merits of the matter and it is only for the authorities concerned to decide as to whether the approval should be granted or not. Pendency of the suit is also not a bar for the respondents to consider the approval, without prejudice to the rights of the parties. However, this Court makes it very clear that if the suit schedule property is promoted as real estate plots by converting into approved plots, the buyer should be informed about the pendency of the suit and that they are buying the property lis-pendens, knowing the pendency of the suit and at a later date, purchaser shall not contend that they are not aware of the proceedings, and they are buying at their own risk. Hence, no further orders need to be passed in this writ petition.

With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-)

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Sub Assistant Registrar

pvs

To:

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4. The District Collector,
Collectorate, Krishnagiri.

5. The Block Development Officer,
Panchayat Union Office,
Hosur.

+1cc to the Government Pleader, S.R.No. 91981

+1cc to Mr.S.C.VISHWANTH, Advocate, S.R.No. 91079

W.P.No.33306 of 2017

RJ(CO)
TR(14/02/2018)



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