

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

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THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.282 to 284 of 2017

J.Sugantharaja ... Petitioner in all these W.Ps
Vs.

1. The Secretary to Government
Department of Administrative Reforms &
Public Grievances, Union of India
Sardar Patel Bhavan, Parliament Street
New Delhi, India.
2. The Commissioner
Central Vigilance Commission
Satarkta Bhavan, Block-A
GPO Complex, INA New Delhi-110 023.
3. The Director
Central Bureau of Investigation
Plot No.5-B, 6th Floor
CGO Complex, Lodhi Road
New Delhi-110 003.
4. The Deputy Inspector General
Central Bureau of Investigation
No.4, A-Wing, III Floor
Rajaji Bhavan, Besant Nagar
Chennai-600 090.
5. The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George, Chennai-9.
6. The Secretary to Government
Home Department
Fort St. George, Chennai-9.
7. The Secretary to Government
Urban and Housing Department
Fort St. George, Chennai-9.

8. The Director General of Police
Tamil Nadu Police Head Quarters
Kamaraj Salai, Chennai-5.
 9. The District Collector
Kancheerpum District
Kancheepuram.
 10. The District Revenue Officer
Kancheepuram District
Kancheepuram.
 11. The Director
Town and Country Planning
Anna Salai, Chennai.
 12. The Assistant Director
Town and Country Planning
Mamallapuram
Kancheepuram District.
 13. The Member Secretary
Mamallapuram Local Planning Authority
Five Chariot Commercial Complex
Mamallapuram - 603 104.
 14. The Engineer in Chief
The Water Resources Department
Chepauk, Chennai-5.
 15. The Chief Engineer
Water Resources Department
Chennai Region, Chepauk, Chennai-5
 16. The Tahsildar
Thiruporur Taluk
Thiruporur, Kancheepuram District
 17. The President
Navalur Panchayat
Navalur, Kancheepuram District.
 18. M/s. Olympia Infratech (P) Ltd.
rep. by its Managing Director
Plot I, Sidco Industrial Estate
Guindy, Chennai-32.
 19. M/s. ECR Coastline Resorts LLP
rep. by its Managing Director
Plot I, Sidco Industrial Estate
Guindy Chennai-32.
- ... Respondents in all these W.Ps

PRAYER in W.P.No.282 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 2, 3, 4, 6 and 8 to scrutinize and investigate the granting of approval for construction of buildings and all the constructions in the stretch of Buckingham Canal between Kovalam and Thiruvannamiyur and take action as to malpractices and irregularities involved in granting approval to the above said constructions.

PRAYER in W.P.No.283 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 5, 7, 11 to 13 to take steps to cancel the approval No.4 of 2010, dated 1.2.2010 and 23 of 2012 dated 6.8.2012 on the file of the Member Secretary, Mamallapuram Local Planning Authority granted for the construction of gated community promoted by M/s.Olympia Infratech (P) Ltd and M/s.ECR Coastline Resorts LLP in the premises at No.33, Rajiv Gandhi Salai (OMR), Navalur, Kancheepuram District-603 103.

PRAYER in W.P.No.284 of 2017: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing respondents 5, 9, 10, 14 to 16 to take steps in taking physical possession of the Kuttai & Kulam to an extent of 86 cents or there about situated in S.No.32, Navallur Village, Thiruporur Taluk, Kancheepuram District and restore the Channels connecting the said Kuttai & Kulam serving as inlays and out lays which were destroyed by the said M/s.Olympia Infratech (P) Ltd. and M/s.ECR Coastline Resorts LLP.

For Petitioner : Mr.R.Balachandar in all the W.Ps

For Respondents : Mr.Rabu Manohar, SCGSC
for 1st respondent

No appearance
for 2nd respondent

Mr.T.N.Rajagopalan
Special Government Pleader
for respondents 3 to 17

Mr.AR.L.Sundaresan
Senior Counsel
for M/s.AL.Ganthimathi
for respondents 18 and 19

ORDER

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

On 5.1.2017, we had directed the petitioner to file an affidavit for us to satisfy the bona fides of the petitioner. The affidavit has not been filed.

2. The learned Senior Counsel for respondents 18 and 19 has brought to our notice an order passed by the Division Bench of this Court in W.P.No.30369 of 2014, dated 21.11.2014 on the same issue, wherein it was recorded that the construction had been made after permission obtained and that from photographs it was found that one phase of the construction was completely over and occupied by third parties. The permission had been granted three years ago. The petition was thrown out inter alia on the ground of lack of bona fides of the petitioner therein.

3. The documents filed with the typed set show that another endeavour was made before the National Green Tribunal, Chennai Bench, which also examined the matter, as pointed out by the learned Special Government Pleader, and did not deem it appropriate to interfere, but left the allegations against encroachments or correctness of the plan to be examined by the authorities in accordance with law. This order was passed on 10.12.2015.

4. Now, another set of petitions have come up before the Court raising the same issue.

5. We are of the view that this is an endeavour to only keep the issue alive by filing one petition or other by different parties in different forums and such endeavour should not be encouraged. This is apart from the fact that the National Green Tribunal has already bestowed its consideration to the matter on merits and issued necessary directions.

We, accordingly, dismiss the petitions. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

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16.The Tahsildar
Thiruporur Taluk
Thiruporur, Kancheepuram District

17.The President
Navalur Panchayat
Navalur, Kancheepuram District.

+3cc's to M/s.AL.Ganthimathi, Advocate, S.R.Nos.5105 to 5107

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.4382

+1cc to the Government Pleader, S.R.No.4556

W.P.Nos.282 to 284 of 2017

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CA(01/02/2017)

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