

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.44410 of 2016
& WMP Nos.38261/2016 & 3437/2017

C.Thankamany

.. Petitioner

Vs.

1.The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2.SNP Infrastructure Private Ltd.,
H No.8-2-584, 4th Floor,
Uma Enclave, Road No.9,
Banjara Hills, Hyderabad-500 034.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the first respondent not to grant approval for the plan provided for group housing developments proposed to be constructed by the second respondent unless and until ensures the providing of link road for access to the petitioner's land situate at Zamin Pallavaram Village, Tambaram Taluk, Kancheepuram District, comprised in survey Nos.198/9A, 198/9B and 198/8B from Pallavaram-Thoraipakkam 200 feet radial road as per Rule 27(22) of the Development Regulations in Second Master Plan for Chennai Metropolitan Area 2026.

For Petitioner .. Mr.R.Sankarasubbu for
Mr.M.Seeni Sultan

For Respondents .. Mr.C.Johnson for R1

Mr.P.S.Raman, Senior Counsel for
Mr.A.Thayaparan for R2

ORDER

This writ petition has been filed by the petitioner on the sole ground that access will have to be provided under Rule 27 sub Rule 22 of the Development Regulations in Second Master Plan for Chennai Metropolitan Area 2026 even to the adjacent land owners.

2.It appears that the contesting respondent has made an application seeking to put up construction in the Special Economic Zone (SEZ), for which, permission has already been obtained from the authority. The petitioner has also made an objection to the first respondent seeking adequate passage in the land belonging to them.

3. In this circumstance, this Court is not willing to go into the issue sought to be raised. The first respondent, being the statutory authority in this regard, will have to see to it that Rule 27 sub Rule 22 of the Development Regulations in Second Master Plan for Chennai Metropolitan Area 2026 is complied with.

4. The learned counsel for the first respondent would submit that the application made by the second respondent as well as the objection of the petitioner is pending consideration.

5. In such view of the matter, the first respondent is directed to dispose of the application of the second respondent as well as the objection of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. In the mean while, the second respondent shall submit a revised plan as required by the **1st Respondent*** indicating the access within a period of four weeks from the date of receipt of a copy of this order. Until the disposal by the respondent No.1, the second respondent shall not obstruct the access which they proposes to give as per the revised plan.

Sd/-

Assistant Registrar(CS IX)

dt.24.3.2017

Corrected Carried out as per
the order the Hon'ble Mr.Justice
MMSJ. dated 4.4.17.

Sd/-

Assistant Registrar (CS-VI)

dt. 12.4.2017

//True Copy//

Sub Assistant Registrar

raa

To

1.The Member Secretary,
Chennai Metropolitan
Development Authority (CMDA),
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

To be submitted the copy
already dispatched
on 3.4.2017

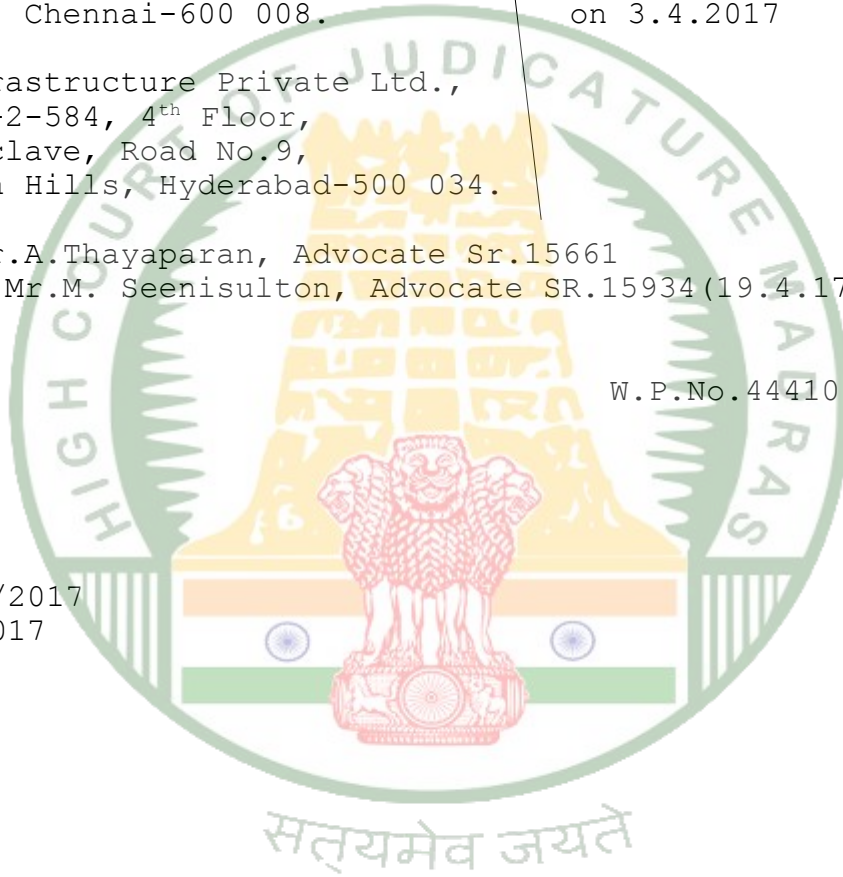
2.SNP Infrastructure Private Ltd.,
H No.8-2-584, 4th Floor,
Uma Enclave, Road No.9,
Banjara Hills, Hyderabad-500 034.

+1cc to Mr.A.Thayaparan, Advocate Sr.15661

+ 1 cc to Mr.M. Seenisulton, Advocate SR.15934(19.4.17)

W.P.No.44410 of 2016

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srg 27/03/2017
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