

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.01.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P.No. 4138 of 2017 and WMP.No.4303 of 2017

M.Baskaran

...Petitioner

.Vs.

1. The Commissioner Corporation of Chennai,
Rippon Buildings, Chennai.
 2. The Executive Engineer Zone - XII (Alandur)
Town Planning Approval Section,
Greater Chennai Corporation,
No.1 New Street, Alandur, Chennai-600 016.
 3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai, Egmore
Chennai - 600 008
-Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records pertaining to the order dated 14.11.2016 made in Z.O.12/PPA/2862/2016 on the file of the Executive Engineer, Zone- XII(Alandur), Town Planning Approval Section, Greater Chennai Corporation, No.1, New Street, Alandur, Chennai - 600 16, the second respondent herein and quash the same and consequently direct the second respondent to issue permission for construction to the petitioner at Plot No.4B, Lalitha Nagar, Madhananthapuram, comprised in Survey No.209/1B, and 210/B, Madhananthapuram Village, Sriperumbudur Taluk, Kancheepuram District, within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.A.V.Arun

For Respondents 1 & 2 : Mr.T.C.Gopalakrishnan

For Respondent 3 : Mr.C.Johnson
Standing Counsel

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus to quash the order of the second respondent dated 14.11.2016 made in Z.O.12/PPA/2862/2016 on the file of the Executive Engineer, Zone-XII(Alandur), Town Planning Approval Section, Greater Chennai Corporation No.1, New Street, Alandur, Chennai - 600 016 and consequently direct the second respondent to issue planning permission for construction at Plot No.4B, Lalitha Nagar, Madhananthapuram,

within the time frame.

2. According to the petitioner, he is the absolute owner of the land measuring an extent of 1512 sq.ft bearing Plot No.4B, Lalitha Nagar, Madhananthapuram, comprised in Survey No.209/1B and 210/2B, Madhananthapuram Village, Sriperumbudur Taluk by virtue of the sale deed dated 08.07.2015 registered as Document No.11022 of 2015. The petitioner would state that the property forms part of a larger extent of the land measuring an extent of the land measuring about 71 cents in S.No.209/1 and 80 cents in 210/2 was originally owned by one Murugesu Mudaliar. The entire property was inherited by P.Palani Mudaliar and after his demise in the year 2000, the property was divided by the legal heirs in the form of a deed of partition dated 22.01.2007 and registered as document No.549 of 2007 in the office of Sub Registrar, Kundrathur, Chennai South.

3. The petitioner would further state that as per the partition deed, his vendor P.Sivaprakasam became absolute owner of the property measuring an extent of 20,710 Sq.ft comprised in S.No.209/1 and S.No.210/2, Madhananthapuram Village and he has sub-divided the extent of 10,850 sq.ft into six housing plots, which was approved by the Executive Officer, Mugalivakkam Panchayat in Approval No.2/2008-2009. The approval by the appropriate planning authority also received the concurrence of the Chennai Metropolitan Development Authority.

4. The petitioner purchased one of the plots in Plot No.4 B which became a part of the Chennai City Municipal Corporation by virtue of extension of area of the Chennai City. The petitioner made an application to the first respondent on 26.02.2016 seeking permission for construction of building.

5. The application was rejected on the ground the sub division made after 1989, should be in conformity with the Chennai Metropolitan Development Authority Regulation. Challenging the order this writ petition is filed.

6. Mr.A.V.Arun, the learned counsel appearing for the petitioner submitted that the petitioner has now applied to the second respondent for approval of the planning permission, in the light of the G.O.M.S.No.78, dated 4.5.2017 and at the time of consideration, the order challenged in this writ petition shall not stand in the way.

7. The learned standing counsel appearing for the first and second respondent would submit that the application of the petitioner would be considered on merits and in accordance with law without reference to the impugned order.

8. In the light of the above submissions, this Court is of the opinion that no further adjudication is necessary in this

writ petition and the second respondent shall consider the application of the petitioner and pass appropriate orders on merits and in accordance with law in the light of the G.O.Ms.No.78, dated 04.05.2017.

9.Accordingly, the writ petition is disposed of. Consequently, the connected Miscellaneous petition is closed. No costs.

smn

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To.

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Town Planning Approval Section,
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3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai, Egmore
Chennai - 600 008

+1cc to Mr.T.C.Gopalakrishnan, Advocate SR.No.1695

+1cc to Mr.A.V.Arun, Advocate Sr.No.1980

NRI (CO)

sm:8.2.2018

W.P.No. 4138 of 2017
and W.M.P.4303 of 2017
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