



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.Nos.1539 to 1541 of 2018 and
CMP Nos.12441, 12442 and 12443 of 2018

The Tamil Nadu Housing Board
Represented by its Managing Director/Chairman
493, Anna Salai,
Nandanam, Chennai - 600 035.

.... Appellant
in all the Appeals

-vs-

1.P.Krishnamurthy
2.S.Raman
3.Vasanthi Raman
4.R.Manigandan
5.S.Sunitha
6.A.B.Prabhu
7.M.Rajalakshmi

8.The Central Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai -8.

9.The Corporation of Chennai
Rep. by its Commissioner,
Rippon Buildings, Chennai -3.

.... Respondents in
W.A.No.1539/2018

1.S.Parthasarathy
2.B.Swaminathan
3.T.R.Sethuratnam
4.S.Venkataraman
5.R.Natarajan
6.Indumathi
7.R.Vishwanathan
8.G.S.Pandian
9.Indira Sankaranarayanan
10.S.Sadasivam
11.Geetha Sadasivam
12.K.Balasubramanian



- 13.V.R.Rajamani
- 14.T.V.Sreedhar
- 15.T.V.Mythili Sreedhar

All are represented by power Agent Anil Jain
16.The Chennai Metropolitan Development Authority
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai -8.

...Respondents in
W.A.No.1540/2018

- 1.R.Chandra
- 2.C.Durga Prasad
- 3.K.Uma Maheeshwaran
- 4.K.A.Balasubramanian
- 5.Thangam Ramachandran
- 6.A.K.Ramesh
- 7.A.K.Suresh
- 8.Amanjari Karambil Mahesh
- 9.Yasmeen Lloyd
- 10.G.Baby
- 11.S.Gnanmbal
- 12.P.C.Krishnan Kutty
- 13.V.G.Ramachandran
- 14.K.Sakunthala
- 15.M.Meenakshi
- 16.T.J.Vijayvikram
- 17.G.S.Nagarajan
- 18.C.Mohan Kumar
- 19.K.M.Sindah Gani
- 20.V.Krishnan
- 21.G.V.Narayanan
- 22.G.Murugesan
- 23.Yesoda Venkata Ranga Rao
- 24.B.V.Narasimhan
- 25.Thilakavathi Subramanian
- 26.D.M.Subramanian
- 27.R.Mohan
- 28.V.K.Komalavalli
- 29.M.Murugappan
- 30.K.V.Ramani
- 31.R.Laxmi Narayanan
- 32.A.V.Subba Rao
- 33.Ratha Appuswamy
- 34.V.T.Appuswamy
- 35.C.Ramachandran
- 36.R.Lakshmi Narayanan
- 37.R.Gabriel Germans
- 38.S.Loganathan
- 39.T.Subramanian
- 40.Sathyapriya
- 41.S.Poornima

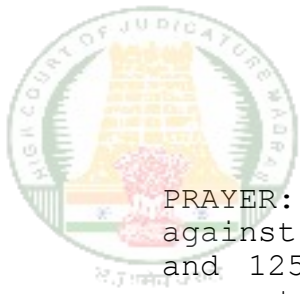


- 42.T.K.Subramanian
- 43.Dr.Esther Revathy
- 44.S.Venkataraman
- 45.S.Lalithanand Moses
- 46.J.Shanthakumari
- 47.S.Pavthra @ Pavithra Jebaraj
- 48.Rukma Kudva
- 49.K.Y.Srinivasan
- 50.V.Seshasayee
- 51.S.Karthikeyan
- 52.D.Sundaresan
- 53.V.Ramswamy
- 54.J.Kamala
- 55.Girija Mytran
- 56.T.S.Viswanathan
- 57.L.K.Nataraj
- 58.Merlin Premkumar
- 59.A.R.Sathanandamani
- 60.Muthamal Manickavasagam
- 61.K.A.Joseph
- 62.Narayanan Kartha
- 63.M.Kasthuri Thilakam
- 64.V.Chakrapani
- 65.P.David
- 66.L.Subramania Rao
- 67.K.J.Arumainayagam
- 68.K.Ramasubramaniam
- 69.G.Padmanabhan
- 70.K.Sivakumar
- 71.R.Saravana Bava
- 72.M.D.Suresh Kumar
- 73.K.Subramanian
- 74.Dr.R.Indhu Priyadarshini
- 75.P.Shamarayachar
- 76.M.Vijaya Babu
- 77.K.K.Komala
- 78.Sasireka
- 79.Narendrakumar
- All are rep by Power Agent
1. T. Udayakumar
2. Khimraj Sakariyh

80.The Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

81.The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings, Chennai -3.

...Respondents in
W.A.No.1541/2018



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PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent against the order passed in W.P Nos.6748 of 2012, 8640 of 2012 and 12513 of 2012 dated 15.03.2012, 30.03.2012 and 26.04.2012 respectively.

W.P. 6748/2012:

Writ Petition has been filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to receive consider process and approve the petitioners application for demolition and reconstruction by issuing planning permission to construct a residential flats in the property situated in Block No.79 Dr.P.T.Rajan Salai K.K.Nagar Chennai-600 078 comprised in S.No.52/1 of Kodambakkam Village Mambalam-Guindy Taluk Chennai District without insisting on production of No Objection Certificate from the 3rd respondent or any other authorities concerned and to accord sanction for the same in accordance with law expeditiously.

W.P. 8640/2012:

Writ Petition has been filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondents to entertain consider and grant approval of petitioners Planning permission and building permit for putting up a construction on the property situated in Block No.H-19 South Avenue Kamaraj Nagar Thiruvanmiyur Chennai-41 comprised in Survey No.77/Part of Thiruvanmiyur Village Mylapore-Triplicane Taluk Chennai District within the Registration District of Chennai South and Sub Registration District of Chennai South Joint I Saidapet without insisting upon the No Objection Certificate from Tamilnadu Housing Board namely the 2nd respondent herein so land as the porposed new construction activities is in accordance with Development Control Rules and Town and Country planning Act 1971.

W.P. 12513/2012:

Writ Petition is filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to entertain consider and grant approval to the demolition plan planning permission building permit for developing the lands at Flats in Block Nos.138 to 148 Geethanjali Colony 7th Avenue Anna Nagar West Chennai 40 comprised in S.No.185 (part) 186 (part) and 187 (part) in Padi Village at Anna Nagar admeasuring 70618 sq.ft. for putting up a residential building without insisting upon the N.O.C from the 3rd respondent herein or any other authority and without insisting for patta from revenue authorities so long as the proposed new construction activities is in accordance with the Development Control Rules.



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For Appellant : Mr.V.Anandhamoorthy
Addl.Govt.Pleader

C O M M O N J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The issue raised by the appellant has already been answered by the Full Bench of this Court in Tamil Nadu Housing Board v. Mary Rani Immanual [2013 (3) CTC 129. The Full Bench had made it clear that in the matter of demolition and reconstruction of houses allotted by the Housing Board, there is no need to obtain fresh "No Objection" from the said Board.

2. Accordingly, by following the judgment in Tamil Nadu Housing Board v. Mary Rani Immanual [2013 (3) CTC 129, the intra court appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

- 1.The Member Secretary,
The Central Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai -8.
- 2.The Commissioner,
The Corporation of Chennai
Rippon Buildings, Chennai -3.
3. The Managing Director/Chairman
The Tamil Nadu Housing Board
493 Anna Salai
Nandanam, Chennai 35.

W.A.Nos.1539 to 1541 of 2018

SS(CO)
SP(10/08/2018)