

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4757 of 2018
and
W.M.P.Nos.5875 to 5877 of 2018

Sanjay Kumar

.. Petitioner

Versus

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2.The Assistant Executive Engineer,
Greater Chennai Corporation,
Town Planning Section - North Region,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in proceedings in WDC No.PPA/WDCN05/00823/2018, dated 13.02.2018 and quash the same and further direct the respondents to forthwith issue planning permission to the petitioner herein in respect of the application dated 06.02.2018 without insisting on handing over of area through a Registered Gift Deed to the Greater Chennai Corporation, the respondent herein.

For Petitioner : Ms.Hema Muralikrishnan

For Respondents : Mr.T.C.Gopalakrishnan
Standing Counsel

O R D E R

Mr.T.C.Gopalakrishnan, learned Standing counsel takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this writ petition is for a issuance of writ of certiorarified mandamus, to quash the order of the second respondent in proceedings in WDC No.PPA/WDCN05/00823/2018, dated 13.02.2018.

3. Heard both sides and perused the material documents available on record.

4. It is submitted by the learned counsels on either side that the issue involved in this writ petition is squarely covered by the order passed by this Court in a batch of writ petitions in W.P.No.148 of 2014 etc., dated 06.02.2015, which reads as follows:

"7. Therefore, this Court is of the view that the same direction should be issued in these cases also. Accordingly, the writ petitions are disposed of, directing the petitioners to submit an affidavit of undertaking not to put up any construction in the area earmarked for the purpose of road widening and keeping the area clear and also undertake to surrender the portion for implementation of road widening without prejudice to their right to claim compensation. If such affidavit is filed, the respondents shall consider the same and process the application in accordance with the statutory provisions. No costs. Consequently, connected miscellaneous petitions are closed."

5. In the light of the above submissions made by the learned counsels on either, this writ petition is disposed of on the above terms and conditions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.

2. The Assistant Executive Engineer,
Greater Chennai Corporation,
Town Planning Section - North Region,
No.61, Basin Bridge Road,
Royapuram, Chennai - 600 021.

+1cc to Mr.L.Muralikrishnan, Advocate SR.no.16183

+1cc to Mr.T.C.Gopalakrishnan, Advocate Sr.No.16001

sm:19.3.2018

W.P.No.4757 of 2018

and

W.M.P.Nos.5875 to 5877 of 2018