

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4772 of 2018
& WMP.Nos.5901 to 5904 of 2018

1.T.Suresh Kumar
2. Babyammal

...Petitioners

Vs.

1.The Commissioner,
Directorate of Town and Country Planning,
Anna Salai,
Chennai-600 002.
2.The Assistant Director,
Tiruvallur Region,
Director of Town and Country Planning,
No.43/397 A, 2nd Floor,
Anna Salai,
Indira Ganthi Street, Rajajipuram Part-II,
Tiruvallur.
3.The Block Development Officer cum Special Officer,
Satharai Panchayat,
Kadambathur Panchayat Union,
Tiruvallur Taluk and District.
4.The Sub-Registrar,
Officer of the Sub Registrar,
Perambakkam.
5.C.Baskaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the proceedings in Na.Ka.1442/2017/Thi.Va.Ma2++(2) dated 22.01.2018 passed by the 2nd respondent in respect of lands to an extent of 1.48 acres in Survey No.147/1C of Satharai Village, Thiruvallur Taluk and District which is the subject matter of suit in O.S.No.160 of 2013 pending on the file of Additional District Judge, Thiruvallur and quash the same.

For Petitioners : Mr.R.Bharath Kumar
For RR1 to 4 : Mr.V.Shanmugasundar
Special Government Pleader
For R5 : Mr.M.Shankar

O R D E R

Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioners and Mr.V.Shanmugasundar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.M.Shankar, learned counsel for the fifth respondent.

2. The petitioners have come up with the present writ petition to quash the technical approval granted by the second respondent, with regard to the lay out found in S.No.147/1C of Satharai Village, Tiruvallur Taluk.

3. The grievance of the petitioners is that when the partition suit and other litigations between the petitioners and the fifth respondent are pending, the second respondent has granted technical approval for the lay out in the land which is in dispute.

4. The third respondent is present before this Court. On instructions from the third respondent, the learned Special Government Pleader submitted that at the time of giving final approval to the lay out, the third respondent would consider the grievance of the petitioners.

5. The learned counsel for the petitioners submitted that based on the technical approval granted by the second respondent, the fifth respondent is attempting to sell the house sites to the third parties.

6. The fifth respondent, who is present before this Court has submitted that only after getting final approval, he will sell the properties. The statement of the fifth respondent is recorded.

7. Taking note of the facts of the case and the submission of the learned Special government Pleader, this writ petition is disposed of, with a direction to the third respondent to consider the objections of the petitioners, at the time of granting final approval to the lay out plan submitted by the fifth respondent. No costs. Consequently, connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
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Chennai-600 002.

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3.The Block Development Officer cum Special Officer,
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Kadambathur Panchayat Union,
Tiruvallur Taluk and District.

4.The Sub-Registrar,
Officer of the Sub Registrar,
Perambakkam.

+1 Cc to Mr.M. Shankaran, Advocate sr 27037.

+1 CC to Mr.R. Bharathkumar, advocate sr 26974.

+1 CC to Govt. Pleader sr 27658.

W.P.No.4772 of 2018

SP(26/04/2018)

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