

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.864 of 2018 and
CMP No.7629 of 2018

The Tamil Nadu Housing Board
Rep. by its Managing Director
Anna Salai, Nandanam,
Chennai - 600 035.

...Appellant

Vs

1.M/s. Green Peace Constructions (P) Ltd.,
No.10, Natesan Road, Ashok Nagar,
Chennai - 600 083
Rep. by its Managing Director
P.R.Earnarst.

2.Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Corporation of Chennai
Rep. by its Commissioner,
Rippon Building, Chennai - 600 003.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.6161 of 2011 dated 15.03.2011.

PRAYER IN W.P.No.6161 of 2011:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus Directing the respondents 1 & 2 to entertain consider and grant the approval to the demolition and reconstruction, Planning Permit and Building Approval for the new construction compised in T.S.No.13 Part, 28/1 Part, 29 Part and 30 Part of Kodambakkam Village, bearing Block Nos. M-45, M-46, M-47 S.V.Lingam Salai, K.K.Nagar, Chennai-78 measuring an extent of 5 Grounds 2257 sq.ft. without insisting the No Objection Certificate from the 3rd respondent or any other authority so long as the proposed New construction is in accordance with the Development Rules.

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

J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

The challenge in this intra court appeal is to the order dated 15 March 2011 in W.P.No.6161 of 2011, whereby and where under, the learned single Judge directed the Chennai Metropolitan Development Authority, to entertain the application submitted by the first respondent for planning permission without insisting No Objection Certificate from the Tamil Nadu Housing Board.

2. The issue raised by the appellant in this intra court appeal is covered by a decision of the Full Bench in Tamil Nadu Housing Board, Represented by its Managing Director v. Mary Rani Immanuel and others [2013 (3) CTC 129]. The Full Bench considered the question as to whether for re-construction of the allotted plot, No Objection is necessary from the Tamil Nadu Housing Board. The Full Bench, on consideration of the entire factual matrix and the decided cases on the point held that No objection is not necessary from the Housing Board. In view of the Full Bench decision, the appeal deserves to be dismissed.

3. Accordingly, by following the judgment of the Full Bench in Tamil Nadu Housing Board, Represented by its Managing Director v. Mary Rani Immanuel and others [2013 (3) CTC 129], the intra court appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

svki

To

1.Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

Sub Assistant Registrar

WEB COPY

2.The Commissioner,
The Corporation of Chennai
Rippon Building, Chennai - 600 003.

+1cc to Mr.V.ANANDHA MURTHY, Govt. Advocate, S.R.No.30176

W.A.No.864 of 2018

GMR (CO)
TR(15/05/2018)



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