

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.24168 of 2018

1.J.Kirthika Devi

2.J.Vishak Raman

... Petitioners

Vs

1.The Executive Engineer, Zonal Officer,
Zone-X, The Greater Chennai Corporation
Arcot Road, Kodambakkam,
Chennai.

2.The Assistant Executive Engineer,
Zone-X, The Greater Chennai Corporation
Arcot Road, Kodambakkam,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue planning permission for the construction of the building at Old No.1, New No.-1B, Mahadevan Street, West Mambalam, Chennai-600 033 without insisting to handover the street alignment portion 17.4 Sq.Mts through Gift Deed.

For Petitioners :Mr.T.Arulselvan

For Respondents :Mr.V.C.Selvasekar
Standing Counsel

O R D E R

This writ petition has been filed seeking a direction to the respondents to issue planning permission for constructing the house at Old No.1, New No.1B, Mahadevan street, West Mambalam, Chennai-600 033 without insisting to handover the street alignment portion 17.4 Sq.Mts through gift deed.

2. The grievance of the petitioner is that, he has proposed to construct a house in the above door number, for which, he has filed an application for planning permission.

Now, the respondent corporation insisting the petitioner to handover the street alignment portion of 17.4 sq.mts, on the ground that, as per CMDA proposal, they have proposed to widen the RA Gouda Road, West Mambalam. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would contend that as on date, there is no proposal for widening the road and if at all the respondents want to widening the road, he is ready and willing to give the portion of the land for expansion of the road and he is also willing to execute an undertaking affidavit to that effect. In paragraph 10 of the affidavit also, the petitioner has stated that he is ready and willing to keep the portion of the property, which is required by the respondents, without any construction and undertake to hand over the same without prejudice to their rights for claiming compensation.

4. Considering the fact that now the petitioners are willing to execute undertaking affidavit, the petitioners are directed to approach the respondents and file an undertaking affidavit stating that they will keep the portion vacant and also willing to handover the same as and when required. On filing such affidavit, the respondents are directed to process the planning permission without insisting the gift deed.

5. With the above direction the present writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

mrp

To

1.The Executive Engineer, Zonal Officer,
Zone-X, The Greater Chennai Corporation
Arcot Road, Kodambakkam,
Chennai.

2.The Assistant Executive Engineer,
Zone-X, The Greater Chennai Corporation
Arcot Road, Kodambakkam,
Chennai.

+lcc to Mr.T.Arul Selvan, Advocate Sr.64393

W.P.No.24168 of 2018

ad[co]
srg 28/09/2018



WEB COPY