

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17-07-2018

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.37994 to 37996 of 2016

And

W.M.P.Nos.32583 to 32585 of 2016

R.Murugavel .. Petitioner in WP 37994/16
S.Udaiappan .. Petitioner in WP 37995/16
N.Gowrisankar .. Petitioner in WP 37996/16

Versus

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

2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

3.The Executive Engineer/Assistant Engineer,
(Town and Country Planning),
Corporation of Chennai,
Zonal Office No.5,
No.61, Basin Bridge Road,
Old Washermanpet,
Chennai-600 021.

4.A.Dwarakanath

5.Bachu Kotilingam

6.B.Kameswara Rao

7.B.Sri Ramakrishna

8.B.Bala Rajesh .. Respondents in all WPs
PRAYER: Writ petitions are filed under Article 226 of the
Constitution of India praying for the issuance of Writs of
Mandamus, directing the official respondents 1 to 3 herein to

consider, dispose of the representation of the petitioner dated 14.9.2016 in respect of the properties bearing Old No.133, New No.18, 1st Floor, Varada Muthiappan Street, Chennai-600 001.

For Petitioner in all WPs: Mr.K.Shivakumar

For Respondents-5to8
in all WPs

: Mr.C.P.Sivamohan

C O M M O N O R D E R

The reliefs sought for in these writ petitions are for a direction to direct the respondents 1 to 3 to consider and dispose of the representation of the writ petitioners dated 14.9.2016 in respect of the properties bearing Old No.133, New No.18, 1st Floor, Varada Muthiappan Street, Chennai-1.

2. The grievances of the writ petitioners are that they are the tenants/lease holders of a portion of the building owned by the fourth respondent originally. Admittedly, the writ petitioners continued as tenants/lease holders and were paying the monthly rents to the fourth respondent in these writ petitions.

3. The learned counsel, appearing on behalf of the writ petitioners, states that by way of advance amount, they had paid huge amount to the fourth respondent at the time of entering into the lease agreement. However, the fourth respondent has not returned the advance amount as per the conditions of lease. Thereafter, the respondents 5 to 8 have purchased the said properties and requested the writ petitioners to evict the premises. Under these circumstances, the writ petitioners have filed civil suits in O.S.No.7115, 7262 and 7255 of 2015 on the file of the First Assistant Judge, City Civil Court, Chennai, for permanent injunction. The said civil suits were dismissed for default on 22.2.2018 and the petitions filed for restoration are pending.

4. May that it be. These writ petitions have been filed not to grant Planning Permission in respect of the properties described in the writ petitions in favour of the respondents 5 to 8. The grant of Planning Permission is to be done in accordance with the rules in force. The authorities competent are bound to grant Planning Permission only in accordance with law and based on the regulations. However, the writ petitioners, being tenants/lease holders, cannot file the writ petitions for the purpose of preventing a land owned from getting Planning Permission. If at all, there is any violation or otherwise, it is left open to the writ petitioners to submit their objections before the competent authorities, who in turn, have to consider the same in accordance with the provisions of the law. Contrarily, the writ petitioners cannot file writ petitions for the purpose of disposing of their representation for not

granting Planning Permission in favour of the respondents 5 to 8.

5. In this view of the matter, the authorities competent are bound to act in accordance with law and the writ petitioners, if they have any grievances against the fourth respondent, the same are to be redressed in the manner known to law. In view of the fact civil suits have already been filed, it is for the parties to adjudicate the civil suits and redress their grievances before the competent Civil Court of Law.

6. With these observations, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

- 1.The Member Secretary,
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No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.
 - 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
 - 3.The Executive Engineer/Assistant Engineer,
(Town and Country Planning),
Corporation of Chennai,
Zonal Office No.5,
No.61, Basin Bridge Road,
Old Washermanpet,
Chennai-600 021.
- +4 Ccs to Mr.K. Shivakumar, Advocate sr 47284 & 47285.
+1 CC to Mr.C.P. Sivamohan, Advocate sr 42186.

WPs 37994 to 37996 of 2016

SP(26/07/2018)