

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.44560 of 2016

V.Varalakshmi

... Petitioner

vs.

1. The Chief Executive Officer,
Contonment Board,
St. Thomas Mount,
Chennai - 600 016.

2. E.Vigneshwar Rao

3. R.S.Priya

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to call the petitioner for enquiry regarding application Nos.7550 and 7551, dated 17.11.2016 of the 2nd respondent and 3rd respondent, hear the objections of the petitioner based on the representation dated 29.11.2016.

For Petitioner : M/s.M.Selvam

For Respondents : Mr.C.Mohan

for M/s.King & Patridge, (for R1)

Mr.S.Udhaya Kumar (for RR2 & 3)

ORDER

Heard the learned counsel for the petitioner and the learned counsels appearing for the respondents and perused the materials available on record.

2. The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to call him for enquiry, regarding application Nos.7550 and 7551, dated 17.11.2016 submitted by the respondents 2 and 3 and hear the objections of the petitioner based on his representation dated 29.11.2016.

3. The grievance of the petitioner is that without providing any opportunity to him, the first respondent is considering the application submitted by the respondents 2 and 3.

4. The learned counsel for the respondents 2 and 3 submitted that the petitioner's mother was the original owner of the property and after selling a portion of the property to the respondents 2 and 3, now he is objecting for granting building plan approval.

5. The learned counsel for the first respondent submitted that the applications for building plan approval of the respondents 2 and 3 is pending before the first respondent and he is ready to provide personal hearing to the petitioner as well as to the respondents 2 and 3 at the time of considering their application.

6. In the light of the above submissions and considering the facts of the case, this Court, directs the first respondent to provide an opportunity of hearing to the petitioner as well as to the respondents 2 and 3, while considering the application of the respondents 2 and 3 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

To

The Chief Executive Officer,
Contonment Board,
St. Thomas Mount,
Chennai - 600 016.

सत्यमेव जयते

+1cc to Mr.M.Selvam, Advocate, sr.no.29911

+1cc to M/s.King & Patridge Advocate, sr.no.29352

+1cc to Mr.S.Udhayakumar, Advocate, sr.no.29080

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GMR (CO)

RRK (24/0518)