

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. No. 31871 of 2018

P. Kumaran

... Petitioner

Vs.

1. The Chairman,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.
2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.
3. B.Ethiraj,
S/o. Late Balarama Reddiyar,
residing at No.698,
Vinayagar Koil Street,
Arikkambedu Village, Vellanur Hamlet,
Avadi Taluk, Tiruvallur Dt.-600 062.
4. B.Murugan,
S/o. Late Balarama Reddiyar,
residing at No.674A, Palla Street,
Arikkambedu Village, Vellanur Hamlet,
Avadi Taluk, Tiruvallur Dt.-600 062.
5. B.Rajavel,
S/o. Late Balarama reddyar,
residing at No.674, Palla Street,
Arikkambedu Village, Vellanur Hamlet,
Avadi Taluk, Tiruvallur Dt.-600 062.
6. K.Parthiban,
S/o. Late T.Kalimuthu,
Flat No.B-39, 1st Main Road,
Thiruvenkata Nagar,
Ambattur, Chennai-600 053.

7. S.Marimuthu,
S/o. Late C.Subramaniam,
No.19, Santhipuram 1st Cross Street,
Thirumullaivoyal,
Chennai-600 062.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation cum objection, dated 17.10.2018 and not to provide Planning Permission and Approval for forming layout to the respondents 6 & 7 herein, in respect of the properties, comprised in Survey Nos.573/3 (0.10 cents), 574/8 (0.27 cents), 575/4 (0.50 cents), 577/3 (0.42 cents), 577/4 (0.29 cents) & 609/2 (0.77 cents), measuring to a total extent of 2.35 acres and situated at No.13, Vellanur Village, Avadi Taluk, Tiruvallur District, pending disposal of the civil dispute.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.P.S.Ganesh,
Standing Counsel for R1 & R2

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation cum objection for granting the layout approval to the respondents 3 to 7.

2. Mr.P.S.Ganesh, learned Standing Counsel takes notice for respondents 1 and 2. Considering the nature of the order is going to be passed in this Writ Petition, which is no way prejudice the right of the respondents 3 to 7, notice to the respondents 3 to 7 is dispensed with.

3. The grievance of the petitioner is that the petitioner is the absolute owner of the property in Survey Nos. 573/3 (0.10 cents), 574/8 (0.27 cents), 575/4 (0.50 cents), 577/3 (0.42 cents), 577/4 (0.29 cents) and 609/2 (0.77 cents), and there is a civil dispute also pending between the petitioner and the respondents 3 to 5. Now, pending civil suit, the respondents 3 to 7 are taking steps to get the layout approval from the respondents 1 and 2. Even though the petitioner has sent his representation cum objection to the respondents 1 and 2, it was not considered. Hence, the present Writ Petition has been filed by the petitioner.

4. Considering the limited prayer sought in the Writ Petition, without going into the merits of the case, the respondents 1 and 2 are directed to consider the petitioner's representation cum objection for granting layout approval while considering the application of the respondents 3 to 7 seeking for layout approval. In the result, the Writ Petition stands disposed of with the above direction. No costs.

rpp

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.

2. The Member Secretary,
Chennai Metropolitan Development
Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.

+lcc to Mr.P.S.Ganesh, Advocate, S.R.No.83229

+lcc to Mr.R.Suresh Kumar, Advocate, S.R.No.83173

W.P. 31871 of 2018

SJ(CO)
KAK(01/02/2019)

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