

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.10783 of 2011 and M.P. No.2 of 2011

K.Sivakumar

... Petitioner

-vs-

1.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai 600 044.

2.The Executive Engineer,
Tamil Nadu Housing Board,
Besant Nagar,
Chennai 600 090.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Ka.Ma.No.255/11 F1 dated 18.03.2011 and quash the same and consequently direct the first respondent to grant building plan permit for the land owned by the petitioner in Plot No.1-A, Survey No.303/11, that forms part of the layout approved by the first respondent vide PPA No.584 of 2004, PPL No.227 of 2004 F1 in letter No.6431 of 2004 dated 06.10.2004 in Keelkattalai Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.N.Muralikumaran for
M/s.MCGan Law Firm

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1
Mr.M.Baskar,
for TNHB for R2

ORDER

The petitioner has filed the writ petition challenging the impugned proceedings dated 18.03.2011 refusing his request to grant building plan permit citing a sole reason that the land in question is within the area acquired by the Housing Board.

2.Assailing the said reason, learned counsel appearing for the petitioner, heavily submitted that when one Ayyammal filed W.P. No.20300 of 1994 before this Court challenging the Land Acquisition Proceedings for the land in S.No.303/11 etc., this Court, by order dated 11.06.1999, has allowed the same, quashing the land acquisition proceedings and therefore, it is not open to the respondents to say that the land in question is within the area of land acquisition proceedings initiated by the Government of Tamil Nadu. Since the respondents have not even aware of quashing the proceedings of the land acquisition, the impugned order has to be set aside as the same has been passed without application of mind.

3.At this stage, Mr.M.Baskar, learned Standing Counsel for Tamil Nadu Housing Board appearing for the second respondent and Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the first respondent agreeing to the said factum, would submit that in view of the fact that this Court quashed the above land acquisition proceedings, there is no impediment for the respondents to grant the building plan permit to the petitioner.

4.Since the land acquisition proceedings initiated by the Government of Tamil Nadu have already been quashed by this Court vide order dated 11.06.1999 in W.P. No.20300 of 1994, the first respondent is directed to consider the request of the petitioner for grant of planning permission within a period of two weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition stands disposed of. Consequently, connected M.P. is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

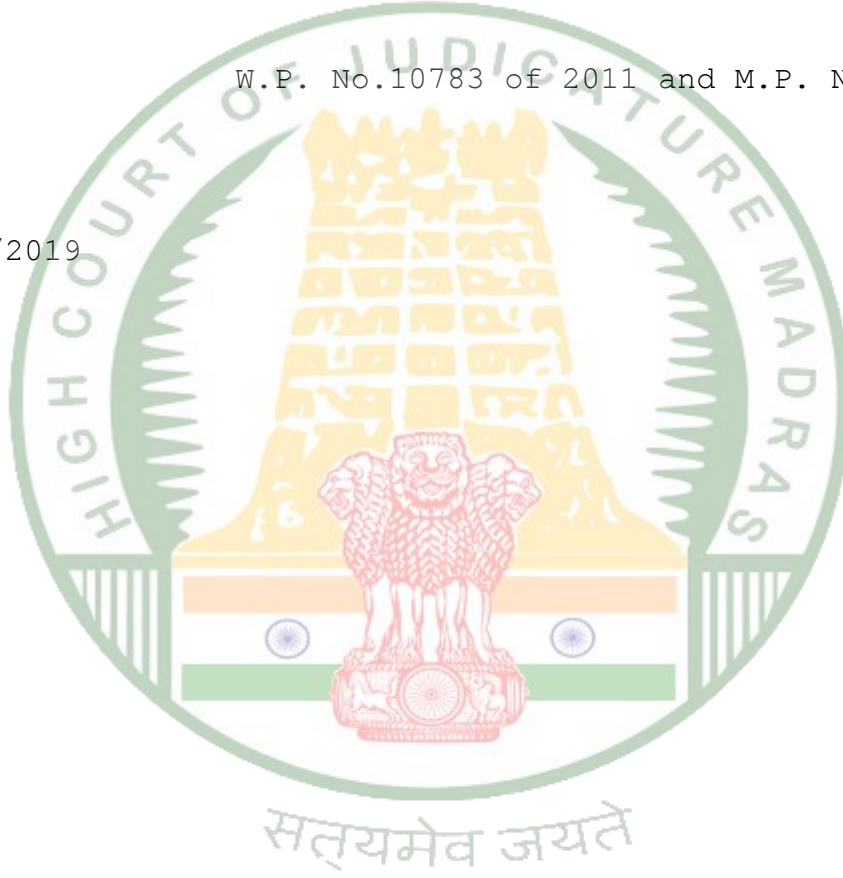
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+lcc to M/s.McGan Law Firm, Advocate Sr.79558
+lcc to Mr.P.Srinivas, Advocate Sr.79538
+lcc to Mr.Baskar, Advocate Sr.80080

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srg 08/11/2019



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