

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6037 OF 2019
AND WMP.NO.6866 OF 2019

R.Santhi

..
Petitioner

Vs

1. The Executive Officer
Town Panchayat, Sriperumbudur
Kanchipuram District

2. Rajagopal Raju Trust
Rep. by its Trustee
Lakshmi Narayana Raju
S/o.A.Govindaswamy Raju
No.46, Soorammal Street
Egmore, Chennai-600 008

.. Respondents

Prayer:-

This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus directing the 1st respondent to consider the representation dated 08.01.2019 preferred by the Petitioner and cancel the building permission granted by the 1st respondent to the 2nd respondent in ka.u.No.87/2017-18 Moo.Mu.No.466/2017 dated 29.11.2017.

For Petitioner : Mr.K.Venkateswaran
for Mr.V.Devendhiran

For Respondents : Mr.V.Jayaprakash Narayanan
for R1

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ORDER

The Writ Petition is filed seeking a direction to the 1st respondent to consider the representation dated 08.01.2019 preferred by the Petitioner and cancel the building permission granted by the 1st respondent to the 2nd respondent in Ka.u.No.87/2017-18 Moo.Mu.No.466/2017 dated 29.11.2017.

2. The Petitioner has submitted an application 08.01.2019

seeking to cancel the Building Permission granted to the 2nd respondent in Proceedings No..ka.u.No.87/2017-18 Moo.Mu.No.466/2017 dated 29.11.2017.

3. According to the Petitioner-Santhi, she is in continuous possession and enjoyment of the subject matter of property situated in Car Street, Sriperumpudur and the said property is registered as document No.9834/2008 in her favour by way of a release deed dated 09.07.2008 by her father, mother and brother. The Petitioner further submits that with an intention to grab the above said property, a trust in the name and style of "Rajagopal Raju Trust" is formed and registered as Document No.2331 of 2007 and obtained unlawful building permission from 1st respondent. The Petitioner's contention is that such building permission was granted without perusing the title deeds and other related documents.

4. The learned counsel appearing for the 1st respondent-Panchayat would submit that under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971, power is vested with the appropriate Planning Authority for revocation and modification of permission to development. Therefore, the 1st respondent can consider the said application after providing opportunity to the parties concerned.

5. In view of the submission made by the Parties, without expressing any opinion on the merits, this court is inclined to direct the 1st respondent to consider the petitioner's representation dated 08.01.2019 to cancel the building permission granted to the 2nd respondent on merits and in accordance with law, particularly as per section 54 of the Tamil Nadu Town and Country Planning Act, 1971, as expeditiously as possible, preferably within 12 weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected W.M.P. is also closed.

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Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Executive Officer
Town Panchayat, Sriperumbudur
Kanchipuram District

+1cc to Mr.V.Devendhiran, Advocate, S.R.No.30002

WP.6037 of 2019

PMS (CO)
CS/02/04/2019



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