



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26..11..2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.3637 of 2018

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- 1.Mythili Sundaresan
- 2.B.Rajee
- 3.Vijay Krishnan
- 4.Shoba Ramesh
- 5.Subhalakshmi Govardhan
- 6.Deepa Venkatesan
- 7.Sujatha
- 8.S.Ramakrishnan

... Petitioners

-Versus-

- 1.The Commissioner,
Corporation of Chennai,
Chennai 600 003.
- 2.The Executive Engineer,
Greater Chennai Corporation,
No.36, G, Pulla Avenue,
Shenoy Nagar, Chennai 600030.
- 3.The Assistant Executive Engineer,
Town Planning Approval Section,
Regional Office Center,
Corporation of Chennai,
No.36 G, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.
- 4.B.Karthigah
- 5.Avila Theresa
- 6.D.Balagangadhara Thilagar
- 7.N.Indira
- 8.Radha Suresh
- 9.N.Lakshmi Kanthan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 2nd respondent dated 27.06.2016 in No.RDC(C)/C.NO/DA314/2016 dated 27.06.2016 and to quash the same and for a consequential direction to the respondents to consider the claim of the petitioners and to grant permission for demolition of the



building situated in Flat Nos.A, B, C, D, E and F of Block No.H-19, Manthope Colony, 46th Street, 8th Avenue, Ashok Nagar situated at Kodambakkam Village, Ashok Nagar in Chennai City and the building duly erected in Town Survey No.3/6 in Corporation Old Block No.56, New Block No.48 and comprised in S.Nos.146 (part), 148/1 (part), 149/2(part), 149/3(part), 149/4(part) and 150 (part) of Kodambakkam Revenue Village, Mambalam - Guindy Taluk, Chennai District and situated within the Registration District of Chennai-Central and Sub Registration District of Ashok Nagar, without insisting "No Objection Certificate" from the adjacent owners of Block No.H-18 namely the respondents 4 to 8 or from any other person pursuant to the application made by the petitioners within the time to be stipulated by this court.

For Petitioner	: Mr.K.Venkataramani, Senior Counsel for Mr.G.Ilamurugu
For Respondent(s)	: Mr.T.C.Gopalakrishnan for RR 1 and 3 Mr.Thiageswaran for M/s.Waron & Sai Rams for RR 4, 5, 6 and 8 Mr.Hem Kumar for RR 7 & 9 Mr.R.Bharathkumar, Standing Counsel for TNHB

ORDER

Challenge in this writ petition is to the order of the 2nd respondent dated 27.06.2016 by his proceedings in No.RDC(C)/C.NO/DA314/2016 dated 27.06.2016 refusing to grant permission to demolish the buildings belonging to the petitioners as set out in the application filed by the petitioners.

2. Earlier, after having considered the possibility of the settlement between the parties amicably, at the instance of either parties, this court referred this matter to the Mediation and Conciliation Center attached to this court for mediation. Accordingly, the parties had appeared before the mediation center on 07.11.2019 and reached at a settlement. From the mediation report vide File NO.1013/2019, it could be seen that before the mediation the parties had agreed to measure and demarcate the boundary to finalize the terms of settlement. Accordingly, the petitioner and the respondents 4 to 9 had reached at a settlement which had been reduced into writing on 19.11.2019. The petitioner and the respondents 4 to 9 had also



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singed the joint memo of compromise. The terms of joint memo of comprised reads as follows:-

(i) Both parties agreed the measurement as annexed herewith is approximately correct and they shall obtain their respective Patta for their respective land accordingly.

(ii) The respondents 4 to 9 have no objection in redeveloping the petitioners' building by demolition of the existing building at their choice. The private respondents 4 to 9 hereby giving their consent to demolish and redevelop the land and building belonging to the petitioners and also hereby giving their consent to the Corporation of Chennai and the CMDA and other statutory bodies for the purpose of demolition and redevelopment of the Building situated in Block H-19 of Manthope Colony, K.K.Nagar, Chennai.

(iii) Both parties also agree that after the demolition of the existing building, both shall jointly re-measure the land if required and to divide the same by putting up a compound wall in common between the land of the petitioners and the respondents 4 to 9.

(iv) The petitioners agree to demolish the Building situated in block H-19 that without causing any damage to the building belonging to the respondents 4 to 9 situated in Block H-18 of Manthope Colony, K.K.Nagar, Chennai.

(v) The respondents 4 to 9 also hereby agree that there is no need for a separate NOC for getting demolition and reconstruction approval and also agreed that if it is required, they undertakes to give such NOC as and when required. It is also agreed by the respondents 4 to 9 that the Corporation of Chennai may grant demolition approval in favour of the petitioners without getting any NOC from the respondents herein. Similarly the Petitioners also hereby agree that there is no need for separate NOC for getting demolition and reconstruction approval fro Block H-18 and also agreed that if it is required, they undertake to give such



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NOC as and when required. It is also agreed by the Petitioners that the Corporation of Chennai may grant demolition approval in favour of the respondents 4 to 9 without getting NOC from the petitioners herein.

(vi) The respondents agree that writ petition may be allowed on such terms as prayed for by the petitioners.

(vii) There is no collusion or fraud between the parties herein and this settlement is arrived at on their own free will and consent.

(viii) All the parties agree that the above terms were read over to the parties in English and Tamil languages and having understood the same all put their respective scribes/signatures.

3. The learned counsel appearing for the petitioner and the respective learned counsel appearing for the respondents 4 to 9 prayed this court to dispose of the writ petition in terms of the settlement reached between the parties.

4. In the light of the settlement reached between the petitioner and the respondents 4 to 9, this writ petition is allowed and the order of the 2nd respondent impugned in this writ petition is set aside. The petitioners and the respondents 4 to 9 are directed to file appropriate applications seeking permission for demolition of their existing buildings to the 2nd respondent and on such applications, 2nd respondent shall consider the same and grant permission to the petitioner as well as to the respondents 4 to 9 to demolish their respective buildings. The joint memo of compromise shall form part and parcel of this order. No costs.

**(*) Xerox Copy of the Comprise Memo,
dated 25/11/2019 herewith enclosed.**

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1.The Commissioner, Corporation of Chennai, Chennai 600 003.

2.The Executive Engineer, Greater Chennai Corporation,
No.36, G, Pulla Avenue, Shenoy Nagar, Chennai 600030.

3.The Assistant Executive Engineer, Town Planning Approval
Section, Regional Office Center, Corporation of Chennai,
No.36 G, Pulla Avenue, Shenoy Nagar, Chennai 600 030.

+2 cc to M/s.G.Ilamurugu,Advocate Sr.No. 98825

+1 cc to M/s.Waron & Sai Rams,Advocate Sr.No. 98578

AKM/16.12.19/5P-7C /

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