

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.Nos.17930 of 2018

and 30132 of 2017

W.P.No.17930 of 2018:

R.Vijay Raghavan ... Petitioner

-vs-

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Member Secretary,
Enforcement Cell,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
- 4.The Executive Engineer-II,
New Zone 08, (Shenoy Nagar)
Corporation of Chennai,
Chennai - 600 030.
- 5.Dr.G.Balakrishnan,
Right Hospitals,
1, Subramani Street,
Kilpauk, Chennai - 600 010.

6.Public Information Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

7.Rajini Balakrishnan,
Right Hospitals,
1, Subramani Street,
Kilpauk, Chennai - 600 010.

.. Respondents

W.P.No.30132 of 2017

R.Vijay Raghavan

.. Petitioner

-vs-

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The Member Secretary,
Enforcement Cell,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

4.The Executive Engineer-II,
New Zone 08, (Shenoy Nagar)
Corporation of Chennai,
Chennai - 600 030.

5.Dr.G.Balakrishnan,
Right Hospitals,
1, Subramani Street,
Kilpauk, Chennai - 600 010.

6.Public Information Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

.. Respondents

Writ Petition No.17930 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the first respondent relating to an order passed in Letter No.B3/10276/2017 dated 05.9.2017 signed on 5.9.2017 regularising and approving the planning permission application filed by Rajini Balakrishnan 7th respondent and two others for the additional construction of second floor made above Corporation of Chennai approved existing ground floor plus first floor residential building at Plot No.B/1, R.S.No.154/109, Block No.19 of Egmore Village, New Door No.37, Landons Road, Chennai and quash and consequently directing the 4th respondent to pass an order for demolition of illegal construction of building put up by the 7th respondent situated at New No.37, old No.16-A, Landons Road, Kilpauk, Chennai - 600 010 as the 4th respondent had granted planning permission subsequently.

Writ Petition No.30132 of 2017 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the 4th respondent relating to an order passed in G.O.VIII.C.No.1493/2017 dated 07.08.2017 and quash the same and directing the 4th respondent to pass appropriate order for stoppage and demolition of illegal construction put up by the 5th respondent situated at New No.37, Old No.16A, Landons Road, Kilpauk, Chennai, without obtaining the Planning permission from the CMDA in accordance with Section 57 and 56 of the Tamil Nadu Town and Country Planning Act.

For Petitioner : Mr.S.Devanathan
in both WPs

For Respondents : Mr.S.Thiruvengadam
for respondent Nos.1, 2 and
6
in both WPs

Mr.A.Nagarajan
for respondent Nos.3 and 4
in W.P.No.17930 of 2018

Mr.R.Arunmozhi
for respondent Nos.3 and 4
in W.P.No.30132 of 2017

Mr.C.Jagadish
for respondent No.5 and 7
in W.P.No.17930 of 2018 and
respondent No.5 in
W.P.No.30132 of 2017

COMMON ORDER

The learned counsel for the petitioner seeks leave of this Court to withdraw the writ petitions with liberty to file a fresh petition giving necessary particulars. The learned counsel has also made an endorsement to the said effect.

2. In view of the above facts, the writ petitions are allowed to be withdrawn with liberty as prayed.

3. The writ petitions are, accordingly, dismissed as withdrawn. No costs. Consequently, W.M.P.Nos.21228 to 21230 of 2018 and W.M.P.Nos.32739 and 32740 of 2017 are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
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Egmore, Chennai - 600 008.
- 2.The Member Secretary,
Enforcement Cell,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
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- 3.The Commissioner,
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- 4.The Executive Engineer-II,
New Zone 08, (Shenoy Nagar)
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Chennai - 600 030.

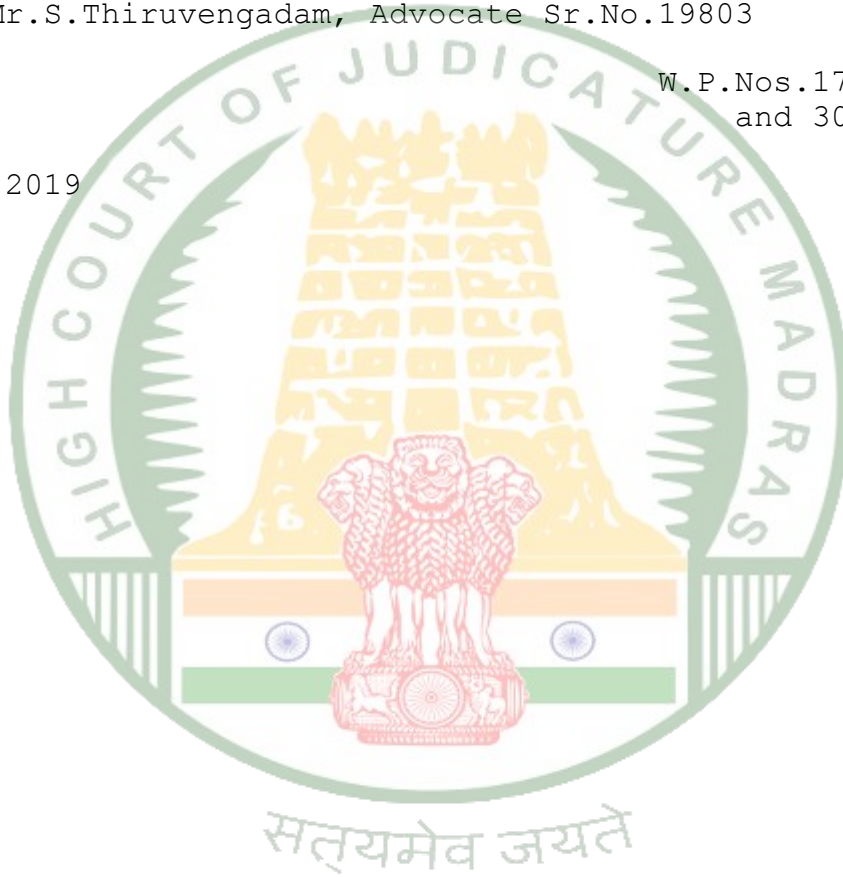
5.Dr.G.Balakrishnan,
Right Hospitals,
1, Subramani Street,
Kilpauk, Chennai - 600 010.

6.The Public Information Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+2 cc's to Mr.S.Devanathan, Advocate Sr.No.20405
+1 cc to Mr.C.Jagadish, Advocate Sr.No.20156
+1 cc to Mr.S.Thiruvengadam, Advocate Sr.No.19803

W.P.Nos.17930 of 2018
and 30132 of 2017

RJI (CO)
CSL/20.03.2019



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