

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P No.6227 of 2020
and
W.M.P.Nos.7327 & 7328 of 2020

R.Sivakumar

Petitioner

vs.

1. The Director of Town and Country Planning,
Chengalvarayan Building,
807, Anna Salai,
Chennai - 600 002.
2. The Chennai Metropolitan Development
Authority rep. by its Member Secretary,
Thalamuthu Natarajan Maaligai,
1, Gandhi-Irwin Road,
Egmore,
Chennai - 600 008.
3. The District Collector,
Kanchipuram - 631 501,
Kanchipuram District.
4. The Commissioner,
Kundrathur Panchayat Union,
Padappai - 601 301,
Kanchipuram District.
5. The Sub Registrar,
Pammal SRO Officer, Pammal - 600 075.
6. R.Murugesan
7. M.Mohan.
8. M/s. Sathya Sagar Foundation
Rep. by its partners: G.Vidhya Sagar
and M.Sathyamoorthy, Plot No.3, 2nd Floor,
Thirumal Nagar Annex,
Perungudi, Chennai - 600 096.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 not to grant any layout planning permission, approval or entertain any document for processing under the TN Town and Country Planning Act, 1971 and the Registration Act, 1908 in respect of the schedule given in the sale agreement dated 03.12.2019 (Doc. No.9904/2019), which obstructs the petitioner's right of way to his other landed properties comprised in S.F.Nos.16/2, 16/3, 17, 246/1, 257/1A and 257/2A, Tharapakkam Village, Kundrathur Taluk, Kanchipuram District by considering the representation dated 02.03.2020.

For Petitioner : Mr.N.Manoharan

For Respondents: Mr.S.N.Parthasarathi
Government Advocate for R1 & R3

Mrs.P.Veena Suresh
Standing Counsel for R2

Mr.K.K.Ramesh
Government Advocate for R4

Mr.M.Tamizharasan
Additional Government Pleader for R5

O R D E R

This writ petition has been filed for a direction to the official respondents not to grant any lay out planning permission or approval to the private respondent who are attempting to put up a construction and thereby block the right of way of the petitioner.

2.The case of the petitioner is that the property was originally owned by the petitioner's family and thereafter, the father of the petitioner and his sons had entered into a family partition by registered sale deed dated 20.02.1976. Thereafter, the parents also executed a joint will in favour of their four sons and daughter by bequeathing their share of the property. Thereby, the petitioner also became the owner of a portion of the property which is situated in Kundrathur Taluk, Kancheepuram District.

3.The grievance of the petitioner is that the 6th and 7th respondents entered into an agreement of sale in the year 2019 and the agreement was also registered on the file of the 5th respondent and the property was agreed to be sold to the 8th

respondent. According to the petitioner, the private respondents are attempting to put up construction in such a manner that it completely blocks the way of the petitioner in accessing his portion of the property. According to the petitioner, the 8th respondent has started the process of construction even without obtaining the planning permission from the respondents. Therefore, the petitioner gave a representation dated 02.03.2020 to the respondents requesting them not to grant any planning permission and to consider the objections made by the petitioner. Even before the representation could be considered, since the private respondent attempted to put up construction, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5. The grievance that has been expressed by the petitioner has to be considered by the 1st and 2nd respondent since ultimately, the planning permission and approval must be granted by them before construction activities take place in the property. The representation was given only recently.

6. In view of the above, there shall be a direction to the 1st and 2nd respondents to consider the objections made by the petitioner on 02.03.2020 before processing with the planning permission approval sought for by the 8th respondent. If necessary, the 1st and 2nd respondent shall call the parties for an enquiry and thereafter take a decision in accordance with law. This process shall be completed within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st and 2nd respondent along with the copy of the objections made on 02.03.2020 and a copy of this order.

7. This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Director of Town and Country Planning,
Chengalvarayan Building,
807, Anna Salai, Chennai - 600 002.
2. The Member Secretary,
The Chennai Metropolitan Development
Thalamuthu Natarajan Maaligai,
1, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.
3. The District Collector,
Kanchipuram - 631 501,
Kanchipuram District.
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Kundrathur Panchayat Union,
Padappai - 601 301,
Kanchipuram District.
5. The Sub Registrar,
Pammal SRO Officer,
Pammal - 600 075.

+1cc to Mr.N.Manoharan, Advocate, S.R.No.20928

+1cc to Mrs.P.Veena Suresh, Advocate, S.R.No.21002

+1cc to the Government Pleader, S.R.No.21679

W.P No.6227 of 2020

and W.M.P Nos.7327 & 7328 of 2020

SS(CO)
CS/12/03/2020

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