

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10755 of 2020

S.Stella

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 2.

2.The Executive Engineer,
Corporation of Chennai,
Division 14, Puzuthivakkam,
Madipakkam, Chennai 91.

3.The Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road,
Egmore, Chennai 8.

4.C.Jayaraman

5.M.V.Venkatachalam

6.V.Rajkumar

7.Gayathri Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 to 3 not to give building planning approval or plan sanction to the 4th to 7th respondents for the property more-fully described in the petitioner property measuring an extent of 1615 Sq.ft., comprised in Survey No.179, Plot No.4, 4A and 5, situated at Madipakkam Village, Puzuthivakkam, Eswaran Kovil Street, Madipakkam, Chennai 91 and pass orders.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mrs.Karthika Ashok,
Standing Counsel for R1 and R2

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing respondents 1 to 3 not to give building

planning approval or plan sanction to respondents 4 to 7 with respect to the subject property based on the complaint given by the petitioner.

2.The case of the petitioner is that he has purchased the property by virtue of a registered Sale Deed dated 06.11.2019. According to the petitioner, the private respondents have created certain documents for the same property and are attempting to put up a construction. The private respondents had submitted an application seeking for planning approval from respondents 1 to 3. The petitioner made a representation to respondents 1 to 3 objecting to grant of any approval to respondents 4 to 7. Initially, the petitioner got a response from the second respondent to the effect that the application submitted by respondents 4 to 7 was kept under hold.

3.The grievance of the petitioner is that even subsequently respondents 4 to 7 had created some more documents and are hastily attempting to get sanction from the respondents 1 to 3 and put up a construction. Left with no other alternative the present writ petition has been filed before this Court.

4.Mrs.Karthika Ashok, learned Standing Counsel appearing on behalf of the respondents 1 and 2 on instructions submitted that the application submitted by respondents 4 to 7 has not been considered by the respondents 1 and 2 since they found some discrepancies in the application and the same has been returned back to respondents 4 to 7. In view of this subsequent development, the apprehension raised by the petitioner no more survives and it will be enough, if the submission made by the learned Standing counsel is recorded.

5.In the result, the submission of the learned Standing Counsel appearing on behalf of respondents 1 and 2 is recorded and the writ petition is disposed of accordingly. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai, Rippon Building, Chennai 2.
2. The Executive Engineer,
Corporation of Chennai, Division 14, Puzuthivakkam,
Madipakkam, Chennai 91.

3. The Chennai Metropolitan Development Authority,
Rep by its Member Secretary,
Thalamuthu Natarajan Maligai, Gandhi Irwin Road, Egmore,
Chennai 8.

+1cc to Mrs.Karthikaa Ashok, Advocate in Sr.27127

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PA (CO)
RV (10/09/2020)



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