

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Sixth day of February Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WMP No.30891 of 2019

IN WP.No.30813/2019

K.K.RAMESH

[PETITIONER]

Vs

1 THE COMMISSIONER, [RESPONDENTS]
GREATER CHENNAI CORPORATION,
RIPON BUILDINGS,
CHENNAI - 600 003

2 EXECUTIVE ENGINEER,
ZONE XI, GREATER CHENNAI CORPORATION,
VALASARAVAKKAM, CHENNAI - 600 087

3 MRS. RENUKA,

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an Interim Injunction restraining the 3rd Respondent from effecting construction in Plot No. 14, West Kamakodi Nagar, Agasthiyar Street, Valasaravakkam, Chennai, (WMP.30891/2019) pending disposal of the above WP.30813/2019

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.VELUMANI, Advocate for the petitioner and of MRS.KARTHIKA ASHOK, Advocate for the 1 & 2 Respondents and of MR.P.SIDHARTHAN, Advocate for the 3rd Respondent the court made the following order:-

Heard Mr. T. Velumani, Learned Counsel for the Petitioner, Mrs. Karthika Ashok, Learned Standing Counsel for the First and Second Respondents and Mr. P. Sidharthan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner in this Writ Petition challenges the order No. Z.O.11/R.C.No.E2/5148/2019, dated 29.07.2019 passed by the Second Respondent refusing to cancel the planning permission issued to the Third Respondent for the property at Plot No. 14, West Kamakudi Nagar, Agasthiyar Street, Valasaravakkam, Chennai. In this Miscellaneous Petition, the Petitioner has sought for an order of interim injunction restraining the Third Respondent from making any construction in that property till the Writ Petition is disposed.

3. Learned Counsel for the Third Respondent submits that the Third Respondent, who has absolute title the property had obtained planning permission from the First and Second Respondents with required documents and he has also filed a suit in O.S. NO. 93 of 2019 before the District Munsif Court, Poonamallee against the Petitioner to protect his possession of that property, and that the Petitioner who claims only adverse possession to that property has filed another suit in O.S. No. 384 of 2014 before the District Munsif Court, Poonamallee against the Third Respondent in that regard, and both suits are pending.

4. Having regard to the fact that the rival claims to the property made by the Petitioner and Third Respondent would have to be first decided in those suits, any construction made in that property would obviously be subject to its ultimate outcome and the Third Respondent shall not be entitled to claim any equity in the event of an adverse decision. As such, there is no justification to restrain the Third Respondent at this stage from proceeding with construction in the property in accordance with the planning permission obtained for the same.

5. Accordingly, this Miscellaneous Petition is dismissed.

-sd/-

06/02/2020

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

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TO

1 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPON BUILDINGS,
CHENNAI - 600 003

2 EXECUTIVE ENGINEER,
ZONE XI, GREATER CHENNAI CORPORATION,
VALASARAVAKKAM, CHENNAI - 600 087

3 THE DISTRICT MUNSIF COURT,
POONAMALLEE

C.C. to MR.T.VELUMANI Advocate on payment of necessary
charges

C.C. to MR.P.SIDHARTHAN, Advocate SR.NO.1556

Order
in
WMP.30891/2019

in
WP.No.30813/2019

Date :06/02/2020

From 26.2.2001 the Registry is issuing certified
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RRI 24/02/2020



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