

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 19.02.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.10141 of 2020
and W.M.P.No. 12331 of 2020

1.D.Manjula Devendran

2.Vijayashri Loganathan .. Petitioners

Versus

1. The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai 600 054.

2.P.Revathy

3.M/s.Repute Homes (P) Ltd,
rep.by its Directors,
S.K.Dharanikumar & A.Naseer Hasan,
having office at
Flat No.4, The Safire Apartments,
Old No.3, New No.16,
11th Avenue, Ashok Nagar,
Chennai 600083.

4.A.Naseer Hasan

5.S.K.Dharanikumar

6.M.Prem Nath Singh

7.J.Thenmozhi

8.V.Natrajan

9.C.Raghu Raja

10.P.Vairamuthu

11.S.Manjunath Prasad

12. The Sub-Registrar,
Ambattur, Chennai.

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13. HDFC Ltd.,
rep.by its Assistant, General Manager,
Regional Office, Home Loan Division,
No.759, ITC Centre, Anna Salai,
Chennai.

(R12 & R13 impleaded vide order dated 23.11.2020 made
in W.M.P.No.20970 of 2020)

.. Respondents

Prayer:- Writ petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus directing the 1st respondent to demolish the
unauthorised construction made by the respondents 2 and 3 in
plot No. 93- A measuring an extent of 4815 square feet in
survey No.565/1A2 and 566/2A1E of Manikandapuram
Thirumullaivoil village pursuant to notice dated 6.11.2019
under section 56 and 57 read with section 85 of the Tamil Nadu
Town and Country planning act 1971 (Tamil Nadu 35 of 72 as
amended in Act 22/1974).

For Petitioner : Mr.V.P.Sengottuvel

For RR1 : Mr.P.Srinivas
Standing Counsel

For RR2, 6 to 11 : Mr.B.Mohan

For R12 : Mr.T.M.Pappiah

For R13 : Mr.N.R.Vallatharasu

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Heard the submission of Mr.V.P.Sengottuvel, learned
counsel appearing for the petitioner and Mr.P.Srinivas,
learned Standing Counsel appearing for the 1st respondent and
Mr.B.Mohan, learned counsel appearing for the respondents 2, 6
to 11.

2. The Writ Petition is filed for issuance of a Writ of
Mandamus directing the 1st respondent to demolish the
unauthorised construction made by the respondents 2 and 3 in
plot no. 93- A, measuring an extent of 4815 square feet in
survey nos.565/1a2 and 566/2a1E of Manikandapuram,
Thirumullaivoil Village, pursuant to notice dated 6.11.2019
under section 56 and 57 read with section 85 of the Tamil Nadu
Town and Country planning act 1971.

3. The Writ Petition was entertained on 27.08.2020 and during the course of hearing, the learned counsel appearing for the petitioners and the learned counsel appearing of 2, 6 to 11 would submit that a Joint Memorandum of Compromise dated 12.10.2020, came into being between the petitioners and the respondents 2, 6 to 11 and in the light of the same, the Writ Petition can be disposed of accordingly.

4. This Court has also suo motu impleaded the Sub Registrar, Ambattur as well as HDFC Ltd. rep. By its Assistant General Manager, Regional Office, Home Loan Division, Chennai as respondents 12 and 13 in the Writ Petition, in pursuant to the order passed in W.M.P.No.2097 of 2020 in this Writ Petition.

5. This Court heard the submission of the learned counsel appearing for the 13th respondent, who has drawn the attention of this Court to the Memo dated 15.02.2021 and would submit that if the parties to the compromise are agreeable to the terms of the said Memo, the 13th respondent has no serious objections in disposing of this Writ Petition, in terms of the Joint Memorandum of Compromise.

6. This Court heard the submission of the learned counsel appearing for the petitioners and the learned counsel appearing of 2, 6 to 11 and they on instructions would submit that they have no objections for adhering to the above said Memo filed on behalf of the 13th respondent.

7. Mr.B.Mohan, learned counsel appearing for the respondents 2, 6 to 11 would submit that in respect of the Planning Permission obtained for Plot No.92A, the 1st respondent may be directed to keep as planning permission for Plot No.93A and undertakes to submit representation with supporting documents to the 1st respondent and they may be directed to consider the same and give a disposal in accordance with law at the earliest.

8. Heard the submission of Mr.T.M.Pappiah, learned Special Government Pleader who would submit that necessary proceeding would take place in accordance with law, subject to attachment, if any.

9. This Court has considered the rival submissions and also perused the materials placed before it.

10. The Joint Memorandum of Compromise dated 12.10.2020 vide USR No.19508 of 2020 as well as the Memo dated 15.02.2021 of the 13th respondent vide USR No.6426 of 2021, are taken on file and recorded and it shall form part of the record.

11. The Writ Petition is disposed of, in terms of the Joint Memorandum of Compromise dated 12.10.2020 as well as the Memo dated 15.02.2021. This Court is granting liberty to the respondents 2, 6 to 11 to submit representation to the 1st respondent to treat the planning permission for Plot No.92A, as planning permission for Plot No.93A of Manikandapuram, Thirumullaivoil Village, Saidapet Taluk, with supporting documents. It is open to the petitioners and respondents 2, 6 to 11 to execute necessary documents for exchange in terms of the time limit given in the Joint Memorandum of Compromise and thereafter, it is open to the petitioners to submit a representation by enclosing necessary supporting documents to the 1st respondent as to the treating of planning permission for Plot No.92A as planning permission for Plot No.93A and upon such receipt, the 1st respondent is directed to consider the same and give a disposal in accordance with law, within a further period of six weeks thereafter and communicate the decision taken, to the petitioners. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Avadi Municipal Corporation,
Avadi, Chennai 600 054.
2. The Sub-Registrar,
Ambattur, Chennai.

+2cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.10693.
+1cc to Mr.N.R.Vallatharasu, Advocate, S.R.No.10565.
+2cc to Mr.B.Murugavel, Advocate, S.R.No.10371.

W.P.No.10141 of 2020

BS (CO)
CSR 18.03.2021