



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.16146 of 2021
and
W.M.P.No.17081 of 2021

Mrs.K.Padmavathy

... Petitioner

Vs

1.Mr.P.Senthil Kumar

2.The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 083.

3.The Block Development Officer,
Poonamallee Panchayat Union,
Poonamallee, Chennai - 600 056.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the 2nd and 3rd Respondents to forbear the 1st Respondent from raising construction over the vacant land measuring an extent of 647.5 Sq.Mt., (about 0.16 cent or about 6970 sq.ft.) comprised in S.No.32/3, New Survey No.32/3A1, as per patta New Survey No.32/3A1B, (Patta No.5037), Senneerkuppam Village, Poonamallee Revenue and Taluk, Tiruvallur District without obtaining planning permission.

For Petitioner : Mr.Raja for Mr.T.Dharani.

For Respondents : Mr.P.S.Ganesh, Standing Counsel for R2.

Mr.Jayaprakash, Standing Counsel for R3.

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The matter has been heard through "Video Conference".



2.The Petitioner has come before this Court seeking Writ of Mandamus directing the 2nd and 3rd Respondents to forbear the 1st Respondent from raising construction over the vacant land measuring an extent of 647.5 Sq.Mt., (about 0.16 cent or about 6970 sq.ft.) comprised in S.No.32/3, New Survey No.32/3A1, as per patta New Survey No.32/3A1B, (Patta No.5037), Senneerkuppam Village, Poonamallee Revenue and Taluk, Tiruvallur District without obtaining planning permission.

3.The Petitioner contends that she was the owner of the property and settled the property purchased by the Petitioner in the name of her son-in-law viz., Mr.V.Sandeep and in the name of the son-in-law's mother viz., Mrs.C.Kuppamma out of money paid by the Petitioner. However the said son-in-law and his mother sold the property to a third party who is the First Respondent herein and the First Respondent is making construction in the said property without any approved plan. Hence, the Petitioner has come before this Court.

4.Heard Mr.Raja, Learned Counsel for the Petitioner and Mr.P.S.Ganesh, Learned Standing Counsel for the Second Respondent and Mr.Jayaprakash, Learned Standing Counsel for the Third Respondent.

5.It is evident from the records that the Petitioner has already filed a Suit in O.S.No.192 of 2020 before the Additional District and Sessions Court, Poonamalle seeking declaration that she is the absolute owner of half share of the Suit property and mandatory injunction directing the first and third defendants therein to hand over the vacant possession of half share of the Suit property to the Petitioner and declaration that the sale deed dated 09.01.2020 executed in favour of the First Respondent is null and void and for other reliefs.

6.Hence, it is clear that the Petitioner has already invoked the jurisdiction of a Civil Court and thus, she has got a remedy before the Civil Court and therefore, the concerned Civil Court, without being influenced by any of the observations made by this Court, shall dispose of the matter on merits.

7.Hence, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
CMDA, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 083.

2. The Block Development Officer,
Poonamallee Panchayat Union,
Poonamallee, Chennai - 600 056.

+1cc to Mr.T.Dharani., Advocate, S.R.No.38352

W.P.No.16146 of 2021
and
W.M.P.No.17081 of 2021

SSI (CO)
CT/25/08/2021