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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 20562 of 2021

M/s. Hi-Tech Housing Projects Private Ltd

"Mena Kampala Arcade"

Rep by its Power Agent

Mr.Chenaramseni,

3rd Floor 'A' Block

B Wing, 113-114

Sir Theyagaraya Road

T. Nagar Chennai - 600 017

..Petitioner

-Vs-

1. State of Tamil Nadu

Rep by Secretary to Government

Municipal Administration and

Water Supply Department

Fort St. George Chennai - 600 009.

2. Chennai Metropolitan Development Authority

Rep by its Member Secretary

Thalamuthu Natarajan Maligai

No.1 Gandhi Irwin Road

Egmore, Chennai - 600 008.

3. Corporation of Chennai

Rep by its Commissioner

Ripon Building

Chennai - 600 003.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to directing the respondents to forthwith process the request of the petitioner contained in their letter dated 05.09.2019 and 16.09.2019 by cancelling the gift deed dated 25.07.2018 registered as Document No. 738 of 2018 on the file of Joint Sub Registrar of Central Madras and refund development charges, security deposit and other refundable sums in accordance with law in a time bound manner.



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For Petitioner : Mr.S.Ramesh
For Respondents : Mr.A.Selvendran
Government Advocate
for R 1

Mrs.Veena Suresh
Standing Counsel
for R 2

Ms.P.T.Ramadevi
Standing Counsel
for R 3

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to process the request made by the petitioner, wherein the petitioner has sought for the cancellation of the gift deed dated 25.07.2018, by virtue of the cancellation of the planning permission.

2.The case of the petitioner is that they are the owners of the subject property and they decided to develop the property into residential dwelling units. The petitioner made an application before the 2nd respondent seeking for planning permission in the year 2015. The application was processed and ultimately approval was granted by the first respondent vide in G.O.Ms.No.58, dated 17.05.20218. During the course of scrutiny of the application for planning permission, the petitioner also executed a gift deed in favour of the 3rd respondent through a Registered Document dated 25.07.20218.

3.The further case of the petitioner is that the planning permission was also granted on 14.11.2018. Due to change in circumstances, the petitioner took a decision not to proceed further with the development of the property and hence, the petitioner submitted a representation to the second respondent requesting for the cancellation of the planning permission and for refund. The Second respondent in turn addressed a letter to the third respondent in order to obtain in principle approval from the first respondent. This recommendation was made in the year 2019.

4.The petitioner was informed by the second respondent through letter dated 20.12.2019 that the cancellation of the planning permission and the revocation and restoration of gifted land will have to be done only by the first respondent. The grievance of the petitioner is that the first respondent has not acted upon the recommendation that was made by the



second respondent till date. Left with no other option, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.S.Ramesh, learned counsel for the petitioner, Mr.A.Selvendran, learned Government Counsel for R1, Mrs.Veena Suresh, learned Standing Counsel for R 2 and Ms.P.T.Ramadevi, learned Standing Counsel for R 3

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for this writ petition, there shall be a direction to the second respondent to place the application submitted by the petitioner on 16.09.2019, before the first respondent within a period of three weeks from the date of receipt of copy of this order. The first respondent on receipt of the same shall verify the records and if required call the petitioner for an enquiry and thereafter take a decision on the cancellation of the planning permission and the reconveyance of the gifted land to the petitioner, within a period of twelve weeks thereafter. The third respondent shall also be put on notice.

7. The petitioner is directed to make a fresh representation to the second respondent along with all the particulars and relevant documents and also a copy of this order. A copy of the representation shall also be marked to the first and third respondents.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St. George Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No. 1 Gandhi Irwin Road
Egmore, Chennai - 600 008.



3. The Commissioner
Corporation of Chennai
Ripon Building
Chennai - 600 003

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+1cc to Mr.S.Ramesh, Advocate, S.R.No.56007

+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.56074

+1cc to the Government Pleader, S.R.No.56714

W.P.No. 20562 of 2021

PM(CO)
RGA(18/11/2021)