



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

C O R A M

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THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.7391 of 2022

S.Mohammed Baig

...Petitioner

Vs

1.Chennai Metropolitan Development Authority

Represented by its Member Secretary,

Thalamuthu Natarajan Maligai,

Gandhi Irwin Road,

Egmore, Chennai - 600 008.

2.The Commissioner,

Kattankolathur Panchayat Union,

Grand Southern Trunk Road,

Maraimalainagar, Chengalpattu District - 603 203.

3.The Special Officer,

Nedunkundram Panchayat,

Nedunkundram,

Chengalpattu Taluk,

Chengalpattu District - 603 127.

4.M/s.Mirik Developers Private Limited,

Now Grandeur Buildwell Private Limited,

Represented by its Managing Director,

No.A-67, Lajpat Nagar II,

National Capital Territory of Delhi,

New Delhi 110 024.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 17th day of January, 2022 and to cancel the Planning Permit No.422/2019 in Letter No.2444/2019/A4, dated 03.09.2019, which has been obtained through manipulation and misconception by the 4th respondent within a time frame fixed by this Court.

For Petitioner : Mr.M.Ramamoorthy

for Mr.Sathiyamoorthi.K

For R1

: Mr.Malarvizhi Udayakumar

Standing Counsel (CMDA)



For R2 & R3 : Mr.S.Balamurugan
Government Advocate

ORDER

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The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 17.01.2022 and to cancel the Planning Permit No.422/2019 in Letter No.2444/2019/A4, dated 03.09.2019, which has been obtained through manipulation and misconception by the 4th respondent.

2.Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the 1st respondent and learned Government Advocate appearing for respondents 2 and 3 and perused the materials available on record.

3.By consent of both the learned counsel appearing for the petitioner as well as Mr.Malarvizhi Udayakumar, learned Standing Counsel (CMDA), appearing for the 1st respondent and Mr.S.Balamurugan, learned Government Advocate, appearing for the respondents 2 and 3, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, the 4th respondent is the owner of the land comprised in Survey No.581/1, situated at No.09, Nedunkundram Village, Chengalpattu Taluk, Chengalpattu District. The 4th respondent developed the said property separately as house sites layout through two different power agents. The layout in S.No.581/1 was named as Sri Sai Avenue. The petitioner purchased Plot No.J-7, measuring an extent of 1184 sq.ft, by the sale deed dated 03.12.2021, bearing Document No.8910 of 2021 on the file of the Sub-Registrar, Tambaram. According to the petitioner, when he visited the said plot on January 2022, he found that power agent of the 4th respondent, who formed the layout in S.No.582, laid the concrete road on the plot No.J-7, purchased by the petitioner. According to the petitioner, the 4th respondent by manipulation and misconception obtained approval from the respondents 2 and 3. Hence, he gave a representation dated 17.01.2022 to the respondents 1 to 3, to cancel the Planning Permit No.422 of 2019 in Letter No.2444/2019/A4, dated 03.09.2019.

5.Considering the above materials, especially the allegations that after having sold the plot No.J-7 in S.No.581/1 to the petitioner, the 4th respondent has laid the concrete road on the said plot showing the same as pathway to the layout formed in S.No.582, the respondents 2 and 3 are directed to consider the representation of the petitioner and file a report before the 1st respondent within a period of four (4) weeks from



the date of receipt of a copy of this order. On receiving the report from the respondents 2 and 3, the 1st respondent is directed to consider the representation of the petitioner, taking into consideration the report of the respondents 2 and 3, and pass orders on merits and in accordance with law, after giving opportunity to the petitioner and the 4th respondent, within a period of four (4) weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. Chennai Metropolitan Development Authority
Represented by its Member Secretary,
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. The Commissioner,
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Grand Southern Trunk Road,
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3. The Special Officer,
Nedunkundram Panchayat,
Nedunkundram,
Chengalpattu Taluk,
Chengalpattu District - 603 127.

+1 cc to Mr. Malarvizhi Udayakumar, Advocate Sr.NO.20927

+1 cc to Mr. M. Ramamoorthy, Advocate Sr.NO. 21140

W.P.No.7391 of 2022

PMK(CO)
A.SK(18/04/2022)