

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.15810 of 2022

A.Sundar

... Petitioner

Vs

1.The Commissioner,
Greater Corporation of Chennai,
Chennai - 600 003.

2.The Zonal Officer,
Zone - 14,
Greater Corporation of Chennai,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091.

3.K.Selvam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's representation dated 27.01.2022 to cancel the fraudulently obtained sub-division in Planning Permission No.SD/WDC14/00297/2013 dated 01.06.2013, pertaining to the property bearing Plot No.11, situated at Thiru.Vi.Ka. Public Servants and House Site Society Layout, Chennai - 600 096, comprised in Nanjai Survey No.693/2.

For Petitioner : Mr.S.Suresh

For Respondents :
For R1 & R2 : Mrs.P.T.Ramadevi
standing counsel

ORDER

Mrs.P.T.Ramadevi, learned standing counsel takes notice on behalf of the first and second respondents.

2. After hearing the learned counsel for the petitioner and the learned standing counsel for the first and second respondents, this writ petition is being disposed of at the time of admission, by dispensing with notice and counter of the

private respondent/third respondent, who appears to be the alleged Power of Attorney Holder of the complaint in O.S.No.823 of 2015, which is pending before the District Munsif Court at Alandur.

3. The specific case of the petitioner is that the petitioner purchased the property way back in 2007 and that the private respondent/third respondent claiming to be the Power of Attorney Holder of the complaint in O.S.No.823 of 2015, made several allegations.

4. It is further submitted that the private respondent/third respondent has filed O.S.No.823 of 2015, for a declaration, declaring that the Sale Deed executed in 2007 was null and void and was not binding on the plaintiffs therein.

5. The learned standing counsel for the first and second respondents would submit that the writ petition has been belatedly filed and the petitioner has challenged the Planning Permission granted to the third respondent on 26.04.2013 and therefore this writ petition is liable to be dismissed on account of laches.

6. The fact of the matter is that the petitioner's representation dated 27.01.2022, has not evoked any response from the first respondent. It is for the respondents to reply to the representation of the petitioner.

7. The second respondent is therefore directed to consider and pass appropriate orders on the representation dated 27.01.2022 of the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8. Needless to state, before passing such order, proper notice shall be served to the third respondent who claims to be the Power of Attorney Holder of the complaint in O.S.No.823 of 2015. Notice shall also go to the plaintiffs in O.S.No.823 of 2015.

9. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

arb

To

1.The Commissioner,
Greater Corporation of Chennai,
Chennai - 600 003.

2.The Zonal Officer,
Zone - 14,
Greater Corporation of Chennai,
No.6/64, Puzhuthivakkam Main Road,
Chennai - 600 091.

+1cc to Mr.S.Suresh, Advocate, S.R.No.39270

+1cc to Ms.P.T.Ramadevi, Advocate, S.R.No.39285

W.P.No.15810 of 2022

KK(CO)
SB(12/07/2022)