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W.A.No.1459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

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- 1.Dr.M.A.M.Ramaswamy Chettiar of
Chettinad Charitable Trust,
rep. By its Managing Trustee Dr.A.C.Muthiah
Chettinad House,
Rajah Annamalaipuram,
Chennai 600028.
 - 2.Dr.A.C.Muthiah,
Trustee
 - 3.Mr.AR.L.Sundaresan,
Trustee
 - 4.Mr.Jawahar Vadivelu,
Trustee
 - 5.Dr.Alagusundaram,
Trustee
- ... Appellants

VS

- 1.State of Tamil Nadu,
rep. By Principal Secretary to Government,
Housing & Urban Development Department,
Chennai 600 009
- 2.The Chennai Metropolitan Development Authority,
rep. By its Member Secretary,
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road, Chennai 8



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3.The Corporation of Chennai,
rep. By its Commissioner,
Rippon Buildings, Chennai 600002

4.Rajah Muthiah Chettiar Charitable and Educational Trust,
rep. By its Trustee,
Mr.M.A.M.R.Muthiah
Rani Seethai Hall Building,
No.603, Anna Salai,
Thousand Lights, Chennai 600006

5.M.A.M.R.Muthiah

6.Kumararani Tmt.Meena Muthiah

7.Ashwin C.Muthiah

8.M.A.M.M.Annamalai

9.M/s.Chettinad Logistics Pvt. Ltd.,
rep. By its Director,
S.P.Palaniappa

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent Act against
the order dated 23.06.2022 in WP No.18058 of 2021.

For the Appellants : Mr.Srinivasan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
assisted by Mr.K.M.B.Muhilan
for the first respondent

Mr.C.Manoharan,
for the second respondent

Mr.T.Balaji,
for the fifth respondent

Mr.M.S.Krishnan,
Senior Counsel,
for Mr.M.Praveen Kumar,



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for the fourth respondent

Mr.T.Mohan,
for the ninth respondent

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

The writ appeal has been filed to challenge the judgment dated 23.06.2022 whereby the writ petition filed by the writ appellants to challenge the order dated 25.02.2021 granting building permission to the fourth respondent in respect of land in R.S.No.4277/6 in Thandavarayan Street, Duraisamy Dinakaran Road, Rajah Annamalaipuram, Chennai 28.

2. Elaborate arguments were made by both the parties. On finding that only approval of building plan was challenged before the Writ Court, where the issue of title or ownership is not determined, the writ petition was dismissed with an observation that if the writ appellants/petitioners have title over the land in question, they can pursue their remedy before the civil court. The position aforesaid becomes clear even on perusal of Rule 11 of the Tamil Nadu Combined Development and Building Rules, 2019. Rule 11 reads as



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under:

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“11.Limitations of Permission.

The permission granted by the competent authority shall not mean responsibility or clearance of the following aspects, -

(a) Title or ownership of the site or building.

(b) Easement Rights.

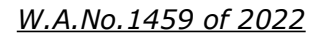
(c) Structural Reports, Structural Drawings and structural aspects. The Registered Architect or Registered Engineer and Structural Engineer on record as the case may be, shall be responsible for defects in the design.

(d) Workmanship, soundness of structure and materials used.

(e) Quality of building services and amenities in the construction of building

(f) Other requirement or licenses or clearances required for the site or premises or activity under various other laws.”

3. In view of the aforesaid, learned counsel for the writ appellants prays for withdrawal of the writ appeal with liberty to take appropriate remedy of declaration of their title or any other claim, apart from filing a suit for injunction. It is looking into the fact that the grant of approval of building plan would not confer right and title of the property on the writ appellants.



5. There will be no order as to costs. C.M.P.No.9416 of 2022 is

d.

<https://www.mhc.tn.gov.in/judis>



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M.N.Bhandari, CJ.

and

N.Mala, J.

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