



W.P.No.18358of2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.18358 of 2022

&

W.M.P.No.17716 of 2022

1.P.A.Prabakaran

2.P.Manjula

...Petitioners

Vs.

1.Greater Chennai Corporation
Rep by its Commissioner
Rippon Building, Park Town
Chennai-600 003

2.The Executive Engineer
Greater Corporation of Chennai
Town Planning Division
Zone-11
Valasaravakkam, Chennai-600 087

3.The Tamil Nadu Housing Board
CMDA Campus
E&C Market Road
Koyambedu, Chennai-600 107

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified mandamus calling for the records of
the 2nd respondent in impugned order proceedings
No.Ma.11.TPC.No.PPA/WDCN 1105052/2022 dated 23.05.2022 and quash



W.P.No.18358of2022

the same and direct the 2nd respondent to consider the petitioners building plan for approval for the property situated at Plot No.35, New Door No.84, Old Door No.101, Ramesh Nagar, 4th street, Valasaravakkam Village, Maduravoyal Taluk, Chennai-87 in Survey No.113/619, Valasaravakkam Village, Maduravoyal Taluk measuring about 2040 sq.ft without insisting that the petitioners should produce No Objection Certificate from the 3rd respondent for considering and approving the petitioners building plan approval.

For Petitioners : Mr.G.Vijay Anand
for
M/s.G.Vijay Anand Associates

For Respondents : Mrs.P.T.Ramadevi for R1 and 2

Mr.A.M.Ravindranath Jayapaul for R3

ORDER

Writ Petition is filed seeking to call for the records of the 2nd respondent in impugned order proceedings No.Ma.11.TPC.No.PPA/WDCN 1105052/2022 dated 23.05.2022 and quash the same and direct the 2nd respondent to consider the petitioners building plan for approval for the property situated at Plot No.35, New Door No.84, Old Door No.101, Ramesh Nagar, 4th street, Valasaravakkam Village, Maduravoyal Taluk, Chennai-87 in Survey No.113/619, Valasaravakkam Village, Maduravoyal Taluk measuring about 2040 sq.ft without insisting that the petitioners



W.P.No.18358of2022

should produce No Objection Certificate from the 3rd respondent for considering and approving the petitioners building plan approval.

2. It is the case of the petitioners that they approached the 1st respondent for building plan permit the respondents asked to obtain the No Objection certificate from the Tamil Nadu Housing Board/3rd respondent. Challenging the same the Writ Petition is filed.

3. Learned counsel appearing for the 3rd respondent submits that petitioners land is not included in the acquisition. In the additional typedset filed by the petitioner page number 3 wherein the proceedings dated 30.08.2022 of The Special Tahsildar (L.A), Tamil Nadu Housing Board , there is a clear mention that S.No.113/7 is not included in the land acquisition.

4. In such view of the matter, requiring the petitioners to obtain no Objection certificate from the 3rd respondent does not arise at all. Accordingly, the 2nd respondent is directed to grant the permission for building plan as per the Rules without insisting the No Objection



W.P.No.18358of2022

WEB COPY

5. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petition is closed.

14.12.2022

kpr

Internet: Yes

Speaking/non-speaking order

To

1. The Commissioner

Greater Chennai Corporation

Rippon Building, Park Town

Chennai-600 003

2. The Executive Engineer

Greater Corporation of Chennai

Town Planning Division

Zone-11

Valasaravakkam, Chennai-600 087

3. The Tamil Nadu Housing Board

CMDA Campus

E&C Market Road

Koyambedu, Chennai-600 107



WEB COPY



W.P.No.18358of2022

N. SATHISH KUMAR, J.

kpr

W.P.No.18358 of 2022
&
W.M.P.No.17716 of 2022

14.12.2022