



WEB COPY



W.P.No. 21311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.09.2022

C O R A M

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.No. 21311 of 2022

G. Purshothaman

....Petitioner

Versus

1. The Member Secretary
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore, Chennai – 600 008.
2. The Commissioner,
Greater Chennai Corporation of Chennai,
Rippon Building,
Chennai – 600 003.
3. The Executive Engineer,
Greater Chennai Corporation of Chennai,
Zone -XII,
No. 1, New Street,
Alandur- St. Thomas Mount,
Chennai – 600 016.
4. The Assistant Engineer,
Greater Chennai Corporation of Chennai,
Zone-XII, Ward No. 157,
Manapakkam,
Chennai – 600 125.

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5. M/s. Casa Grande Private Limited,
Represented by its Director M. Arun Kumar,
No. 111, 5th Floor, NPL Devi LB Road,
Thiruvanmiyur,
Chennai – 600 041.

...Respondents

PRAYER : Writ Petition filed under article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 4 to take action against the illegal and unauthorised construction of the fifth respondent at S.No.235/2B1 and S.No.235/2B3 of Manappakkam Village, formerly Sriperumbudur Taluk and presently Alandur Taluk, Kanchipuram District, based on the representation of the petitioner dated 22.06.2022.

For Petitioner : Mr. S. Kamalesh Kannan
For Respondents : Ms. N. Vinobha
Standing Counsel for CMDA/R1
Ms. Aswini Devi K
Standing Counsel for
Chennai Transport Corporation
for R2 to R4

ORDER

(Order of the Court was made by *R. SUBRAMANIAN, J.*)

The prayer in the writ petition reads as follows:

The primary contention of the petitioner is that the fifth respondent is constructing on a property of which the petitioner is a co-owner. It is also claimed that the construction is being made without his consent and without an approved plan.



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2. Upon instruction, Ms. Ashwini Devi, learned counsel appearing for the Greater Chennai Corporation and Mr.N.Vinobha, learned counsel appearing for CMDA, would submit that a planning permission has been granted in respect of the property which is now claimed by the petitioner, as early as on 18.08.2016.

3. Therefore, the complaint of the petitioner that the construction has been put up without a planning permission does not survive. The writ petition is therefore closed, leaving it open to the petitioner to take appropriate civil proceedings to establish his title and seek recovery of possession, if he is so advised. It is also open to the petitioner to file a statutory appeal under the provisions of the Tamil Nadu Town and Country Planning Act. No costs.

(R.S.M., J.) (K.B., J.)

27.09.2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mrn

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