



W.P.No.23627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.23627 of 2022

M.Geetha

... Petitioner

Vs.

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalaimuthu Natarajan Building No.1,
Gandhi Irwin Road,
Egmore, Chennai.
- 2.The Commissioner,
Greater Chennai Corporation,
Chennai.
- 3.The District Revenue Officer/Assistant Commissioner,
Zone-2(Manali),
Greater Chennai Corporation,
Chennai – 600 006.
- 4.The Assistant Engineer,
Zone-2, Greater Chennai Corporation,
Chennai – 600 006.
- 5.Vadivelu
- 6.V.Selvakumari
- 7.A.Theerthy

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first to third respondents to cancel the housing lay out approval granted in favour of the fifth to seventh respondents in respect of lands comprised in Survey Nos.81/2A2A1, 2B1A, 2B2B, 2B1B, 2B2 situated at Mathur Village, Madhavaram Taluk, Chennai District by considering the petitioner's representation dated 12.07.2022.

For Petitioner : Mr.D.Bennington

For Respondents :
For R1 : Mr.Y.Bhuvanesh Kumar
Standing Counsel
For R2 to R4 : Mr.Rahul Aditya
for Mrs.P.T.Ramadevi
Standing Counsel

ORDER

Mr.Y.Bhuvanesh Kumar, learned Standing Counsel, takes notice on behalf of the first respondent and Mr.Rahul Aditya for Mrs.P.T.Ramadevi, learned Standing Counsel takes notice on behalf of the second to fourth respondents.

2. After hearing both sides, this Writ Petition is being disposed of at the time of admission, by dispensing with notice and counter of the private respondents/fifth to seventh respondents, as no adverse orders are proposed to be passed against the private respondents/fifth to seventh respondents at this



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stage in this writ petition.

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3. The case of the petitioner is that the seventh respondent as a Power of Attorney holder of the sixth respondent and the fifth respondent has obtained a layout approval for the land measuring an extent of 2.45 Acres in S.Nos.81/12 in Mathur Village, Madhavaram Taluk, Chennai District on 30.06.2022.

4. It is submitted that the layout approval has been granted by the third respondent including the petitioner's land measuring an extent of 2790 sq.ft as open area/path. It is further case of the petitioner that the land in question was purchased by the petitioner's mother-in-law by a registered Sale Deed dated 25.03.1987 and that on 20.11.2006, the petitioner's mother-in-law settled the land in favour of the petitioner's husband namely N.Mohan, who in turn has settled the land in favour of the petitioner by a Settlement Deed dated 26.12.2019.

5. It is further case of the petitioner that the petitioner has also obtained patta for the aforesaid land. It is therefore submitted that inclusion of the land belonging to the petitioner for the purpose of layout approval was unwarranted and was done surreptitiously by suppressing the facts.



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6. The facts on record indicates that the petitioner through her husband who is the Power of Attorney holder has sent a representation dated 12.07.2022 to the first and second respondents, who in turn forwarded the papers to the third respondent. The third respondent by his communication dated 26.07.2022 bearing Ref.Ma.Aa.2.Na.Ka.No.A4/Sirappu/2022 has called upon the petitioner's husband, Power of Attorney holder to furnish documents.

7. It is the case of the petitioner that despite the petitioner's willingness to furnish the documents to the third respondent, it was not entertained though the petitioner was asked to come for an enquiry.

8. Considering the fact that there is no proposal for determination of rights of the petitioner or the private respondents herein one way or the other, I am inclined to dispose of this writ petition by directing the third respondent to consider and pass appropriate orders on the petitioner's representation dated 12.07.2022, within a period of four weeks from the date of receipt of a copy of this order.



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9. The petitioner is directed to furnish all the documents that are in her possession either in person or through her husband who is the Power of Attorney holder or any other person authorized on their behalf.

10. It is open for the third respondent to pass appropriate orders for revoking permission under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971, within a period of six weeks from the date of receipt of a copy of this order, after giving due notice to the private respondents/fifth to seventh respondents, in case, the petitioner has made out a case that the petitioner's land has been wrongly included as park area in the approved layout in Layout Approval No.LA/WDCNO2/00013/2022 dated 30.06.2022 to the private respondent herein.

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

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Index : Yes/No
Speaking/Non-Speaking Order

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This case is listed under the caption “for being mentioned”.

2.The learned counsel for the petitioner submits that there is an error in Paragraph No.3 insofar as the Survey Numbers are concerned. It is submitted that instead of S.Nos.81/12 it should be S.Nos.81/2A2A1, 2B1A, 2B2B, 2B1B and 2B2.

3.There is no representation on behalf of the respondents. However, from the records available before this Court, it is clear that there is a mistake in as much as instead of S.Nos.81/2A2A1, 2B1A, 2B2B, 2B1B and 2B2 it has been wrongly mentioned as S.Nos.81/12 in Paragraph 3. Therefore, the alpha numerical S.Nos.81/12 in Paragraph 3 shall be deleted and substituted with S.Nos. 81/2A2A1, 2B1A, 2B2B, 2B1B and 2B2.

12.10.2022

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Note:Registry is directed to carry out the suitable corrections and issue a fresh order copy to the concerned parties.

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