



WEB COPY



W.P. No. 27223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27223 of 2022

N.Sathyanarayana

... Petitioner

-VS-

1. The Vice Chairman
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai – 600 008.
2. The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai – 600 008.
3. The Commissioner
Thiruverkadu Panchayat Union
No.1, Sivan Koil Street
Tiruverkadu, Thiruvallur District.
4. The Chairman
Thiruverkadu Panchayat Union
No.1, Sivan Koil Street
Tiruverkadu, Thiruvallur District.
5. G.Sriram @ Guddireddigari Sriram
6. Y.Achyuth Reddy
7. G.Indira Reddy @ Guddireddigari Indira Reddy

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the Respondents 1 to 4 to consider and dispose Petitioner's representation dated 23.08.2022 addressed raising objections to grant of approval for construction of Special Building or any other development in respect of the property comprised in Survey Nos. 80/1C, 80/1B2, 80/1B1, 81/1B, 80/1A, 80/1E, 80/1F situate at Noombal Village, Poonamallee Taluk, Tiruvallur District, without creation of approach roads for Petitioner's property located in the interior.

For Petitioner : Ms. S.P.Arthi

For Respondents : Mr. C.Manohar (For R1 & R2)

Mr. P.Srinivas (For R3 & R4)

Mr. George Cheriyan
For M/s. Law Office of
George Cheriyan Associates
(For R5 to R7)

ORDER

Heard Ms. S.P.Arthi, Learned Counsel for the Petitioner, Mr. C.Manohar, Learned Counsel for the First and Second Respondents, Mr. P.Srinivas, Learned Counsel for the Third and Fourth Respondents and Mr. George Cheriyan, Learned Counsel for the Fifth to Seventh Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is case of the Petitioner that his property situated at S. No. 82/3 in



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Noombal Village, Poonamallee Taluk, Tiruvallur District has access only through

the property of the Fifth to Seventh Respondents situated at S.

Nos. 80/1C, 80/1B2, 80/1B1, 81/1B, 80/1A, 80/1E and 80/1F of that Village and if any approval for construction of special building or any other development is granted in favour of the Fifth to Seventh Respondents in respect of their property without creation of approach routes to the property of the Petitioner, he would be prejudicially affected and he has made a representation dated 23.08.2022 to the First to Fourth Respondents in that regard and this Writ Petition has been filed to pass orders thereon. In support of the claim made by the Petitioner, reliance is placed on sub-rule 17 of Rule 39 of Tamil Nadu Combined Development and Building Rules, 2019, which reads as follows:-

“(17) *In the interest of the public for better circulation in the area and also to ensure that the proposed development does not block access to the properties around, in cases of large developments where link roads have to be provided for connectivity to the adjoining lands areas, through the site applied for development, the competent authority reserves the right to insist the applicant to set apart such road spaces within the site and the applicant shall hand over the same free of cost through a registered gift deed to the Local body for declaring it*



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as public road. In such cases set back from these roads to the buildings proposed shall be provided as prescribed in these rules.”

However, Learned Counsel for the First to Fourth Respondents, on instructions, submit that no application for planning permission has been made so far by the Fifth to Seventh Respondents in respect of the aforesaid property and they have made an endorsement to that effect in the court record.

3. In such circumstances, nothing remains for consideration in the matter at this pre-mature stage, but it would not preclude the Petitioner to work out his remedies for necessary relief, as and when the occasion arises, before the proper forum in the manner recognized by law.

4. In the result, the Writ Petition is disposed with the aforesaid observations.
No costs.

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Maya

Index: Yes/No

Note: Issue order copy by 15.11.2022.

To



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P.D. AUDIKESAVALU, J.

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