



WEB COPY



W.P. No. 3348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 3348 of 2022
and W.M.P.No.3939 of 2022

Selvi.S.Kavere

..Petitioner

Vs.

1.The Member Secretary
CMDA Office,
Thalamuthu Natarajan House,
Gandhi Irwin Road,
Egmore,
Chennai-600008.

2.Commissioner,
Corporation of Chennai,
Ripon Building,
EVR Periyar Salai,
Chennai - 600 003.

3. Zonal Executive Engineer, (Zone VII)
Thiruvallur High Road,
Opposite to Dunlop,
Chennai -600 053

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4 Alok Kumar Gulecha

5 The Director,
The Directorate of Town and Country Planning
2nd, 3rd and 4th Floor C9E Market Road
Koyambedu Chennai 600107.

6 Assistant Director
Town and Country Planning
Thiruvallur Office
43/397, A 2nd Floor,
Annai Indira Gandhi Salai
Rajajipuram,
Phase II, Thiruvallurpuram,
Thiruvallur District.

7 The Commissioner
Avadi City Municipal Corporation
Avadi, Chennai 600054.

..Respondents

(R5 TO R7 IMPLEADED VIDE
ORDER DT 19.06.2023 MADE IN WMP.12355/2022
IN WP.3348/2022 BY DKKJ and PDBJ)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action under Madras City Municipal Corporation Act 1919 on the strength of petitioner's petition dated 24.8.2021.

For Petitioner : Mr.G.Krishnamurthy
For Respondents : Mr.Thamaraiselvan for R1
Standing Counsel
Mr.P.Prithvi Chopra for R2 and R3
Standing Counsel

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Mr.Stalin Abimanyu for R5 and R6
Additional Government Pleader
Mr.R.Gopinath for R7
Standing Counsel
No appearance for R4

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to direct the respondents No. 1 to 3 to take appropriate action under Madras City Municipal Corporation Act 1919 on the strength of petitioner's petition dated 24.08.2021.

2. Learned counsel appearing for the petitioner would submit that the 4th respondent is proceeding with illegal construction without proper plan and valid title in respect of land situated at Zamin Korattur Village, Poonamalle Taluk, Thiruvallur District bearing Survey No.65/3 and 72/6A to the extent of 107 cents.

3. It is the further contention of the petitioner counsel that the said land is the ancestral property of the petitioner. Since the 4th respondent



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and deceased one Kadhar Sultan attempted to grab the land with the fabricated documents, he had filed a suit in O.S.No.346 of 2013 for partition and permanent injunction. The 4th respondent also filed a suit in O.S.No.244 of 2014 for specific performance.

4. As against the illegal construction put up by the 4th respondent, the petitioner made a representation dated 24.08.2021 to the 1st and 2nd respondents, but no action has been taken. Hence, the present petition.

5. Today when the matter is taken up for hearing, learned Standing Counsel appearing for R1/CMDA has filed a status report stating that based on the application for planning permission, planning approval has been given to the said building. However, it does not confirm any ownership or title over the property.

6. Considering the fact that the building has been constructed based on the planning permission, no further order is required to be passed in



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this writ petition. Accordingly, the Writ Petition is dismissed. The petitioner and the 4th respondent are at liberty to agitate the title dispute before the Civil Forum and get their grievance redressed. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
11.10.2023

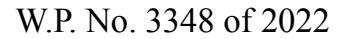
Index : Yes / No
Speaking Order : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
msv

To

1.The Member Secretary
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2.Commissioner,
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J.NISHA BANU,J.

And

N.Mala,J.

msv

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