



W.P.No.332 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.No.332 of 2018 and

WMP No.387 of 2018

E.Geetha

... Petitioner

Vs.

1.The State of Tami Nadu,
rep. by its Additional Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai 600 009.

2. The Chennai Metropolitan Development
Authority (CMDA), rep. by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned orders dated 24.07.2017 made in G.O.(3D) No.126 by the first respondent in rejecting the appeal of the petitioner dated 08.08.2016 and the consequential letter No.EC/N-II/18528/2015 dated 21.12.2017 issued by the



W.P.No.332 of 2018

second respondent directing the petitioner to de-occupy the petition premises to carry out the enforcement action including locking and sealing and demolition of the unauthorized construction and to quash the same as the lands comprised in Survey Nos.127/1C, 127/1B, 127/2A and 127/1A situate at No.111, Alamathi Village, Ponneri Taluk, Thiruvallur District are deemed to have been released from reservation as catchment area and consequently direct the 2nd respondent to process planning permission sought for by the petitioner dated 14.12.2015.

For Petitioner : Mr.Richardson Wilson

For Respondents : Mr.E.Vijay Anand, Addl.Govt.Pleader for R1

Mr.C.N.Vinobha, Standing Counsel for R2

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This petition has been filed to quash the impugned orders dated 24.07.2017 made in G.O.(3D) No.126 by the first respondent, rejecting the appeal of the petitioner dated 08.08.2016 and the consequential letter No.EC/N-II/18528/2015 dated 21.12.2017 issued by the second respondent directing the petitioner to de-occupy the petition premises to carry out the enforcement action including locking and sealing and demolition of the



W.P.No.332 of 2018

unauthorized construction, since the lands comprised in Survey Nos.127/1C, 127/1B, 127/2A and 127/1A situate at No.111, Alamathi Village, Ponneri Taluk, Thiruvallur District are deemed to have been released from reservation as catchment area and consequently direct the 2nd respondent to process planning permission sought for by the petitioner dated 14.12.2015.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the property in question has already been sold to the third party and therefore, it is for the purchaser to challenge above said impugned orders.

3. The learned Additional Government Pleader appearing for the first respondent submitted that, since the property has been sold to the third party, this writ petition is liable to be dismissed and only the purchaser has to agitate the matter, if he so advised.

4. Inview of the above submission, we are not inclined to entertain



W.P.No.332 of 2018

the writ petition and it is for the purchaser to approach the authorities concerned seeking remedy in the manner known to law.

5. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.)

(P.D.B.J.)

21.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1. The Additional Secretary to Government,
State of Tamil Nadu, Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.



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W.P.No.332 of 2018

D.KRISHNAKUMAR, J.

and

P. DHANABAL, J.

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W.P.No.332 of 2018

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