



W.A.No.1229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

W.A.No.1229 of 2023

R.Devadoss

.. Appellant

Vs

- 1 The Member secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore Chennai - 600 008.
- 2 The Commissioner
Kattankulathur Panchayat Union
Chenglapattu Taluk and District.
- 3 Sivashankar Real Estate Pvt. Ltd
Rep. by its Managing Director, A.Sivashankar
No.1/460, Mount-Poonamalee Road
Ayyappanthangal, Chennai - 600 056.
- 4 A.T.Viswanathan

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 2.1.2023 passed in W.P.No.34992 of 2022 by the learned Single Judge.



WEB COPY



W.A.No.1229 of 2023

For the Appellant : Mr.K.M.Balaji

For the Respondents : Mr.R.Sivakumar
for 1st respondent

: Mr.P.Muthukumar
State Government Pleader
for 2nd respondent

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.M.Balaji, learned counsel for the appellant; Mr.R.Sivakumar, learned counsel for the first respondent; and Mr.P.Muthukumar, learned State Government Pleader for the second respondent.

2. According to learned counsel for the appellant, the authority under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, more particularly Section 54 of the Act, has got powers to modify and/or revoke the permission granted.

3. The appellant has already filed a civil suit, bearing O.S.No.167 of 2019, for the same relief. The learned Single Judge



W.A.No.1229 of 2023

has observed that in case the appellant proves that his signature is forged and the civil court comes to the conclusion that the documents are resultant of the forgery, the appellant is certainly entitled to retrieve the land as per the decision of the civil court. As the civil suit is pending, the learned Single Judge refrained from entertaining the writ petition on merits.

4. Needless to state that the civil court will have to decide the suit on the basis of the evidence adduced before it and uninfluenced by any observations made by the court in a writ petition.

5. With these observations, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.12442 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.A.No.1229 of 2023

To:

WEB COPY

- 1 The Member secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore Chennai - 600 008.
- 2 The Commissioner
Kattankulathur Panchayat Union
Chenglapattu Taluk and District.



WEB COPY



W.A.No.1229 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

W.A.No.1229 of 2023

21.06.2023