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Writ Petition No.16480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.16480 of 2023

R. Murugesan

... Petitioner

-Vs-

1. The Chennai Metro Politian Development Authority,
Rep. by its Member Secretary,
Thalamuthu Natarajan House,
Gandhi Irwin Road, Egmore, Chennai – 600 008.
2. The District Collector,
Collector Office,
Kancheepuram, Kancheepuram District.
3. The Thasildar,
Taluk Office, Kundrathur,
Chennai – 600 069.
4. The Thasildar,
Taluk Office,
St. Thomas Mount,
Chennai – 600 016.
5. The Assistant Commissioner,
Corporation of Chennai,
Alandur, Chennai – 600 016.
6. G.P.Homes Private Limited,
No.W-740, 1st Floor, 4th Avenue,
Syndicate Bank Colony,
Anna Nagar West Extension,
Chennai – 600 101.

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the representation dated 17.12.2022 and as consequentially by way of direction, directing the respondents 1 to 5 from granting or issuing any approval to the petition property situated at South Chennai Registration District, Kundrathur Sub-Registration District, Kancheepuram District, Sriprembudur Taluk, Madananthapuram Village, Old Survey No.218/2, Patta No.2932, as per Patta New Survey No.218/2B, measuring an extent of 0.40 cent in favour of 6th respondent.

For Petitioner : Mr.T.Ramachandran
For Respondent : Mr.D.Ravichander
Special Government Pleader [R2
to R4]

ORDER

This writ petition has been filed to direct the respondents to dispose of the representation submitted by the writ petitioner dated 17.12.2022 and restrain the respondents 1 to 5 from granting building plan approval in favour of the 6th respondent.

2. Merely granting approval or refusal of approval would not confer any right of title or ownership to any person. Building plan approval even if granted, it would not preclude the petitioner from



establishing his title or ownership before the competent Civil Court of

law. It is relevant to consider Rule 11 of the Tamil Nadu Combined

Development and Building Rules, 2019, which reads as under:

“Limitations of Permission:- *The permission granted by the competent authority shall not mean responsibility or clearance of the following aspects,-*

- a) Title or ownership of the site or building.*
- b) Easement rights.*
- c) Structural reports, structural drawings and structural aspects. The registered architect or registered Engineer and structural engineer on record as the case may be, shall be responsible for defects in the design.*
- (d) Workmanship, soundness of structure and materials used.*
- (e) Quality of building services and amenities in the construction of building.*
- (f) Other requirements or licenses or clearances required for the site or premises or activity under various other laws.”*

3. The Rule itself stipulates that granting of building plan permission would not confer any title or ownership of the site or building or easement rights or otherwise. That being the principle, the petitioner, if at all aggrieved from and out of the actions of the sixth respondent has



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to approach the competent civil court of law for the purpose of establishing his title or ownership through documents and evidences available on records.

With this liberty, this writ petition stands disposed of. No costs.

05.06.2023

Index : Yes

Speaking order: Yes

Neutral Citation: Yes/No

mp

To

1. The District Collector,
Collector Office,
Kancheepuram, Kancheepuram District.
2. The Thasildar,
Taluk Office, Kundrathur,
Chennai – 600 069.
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S.M.SUBRAMANIAM, J.

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