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W.P.No.20507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20507 of 2023

and

WMP.Nos.19903 & 19906 of 2023

1.J.James Robson

2.P.R.Kannan

...Petitioners

Vs.

- 1.The Principal Secretary to Government
Housing and Urban Development
Secretariat, Chennai 600 009.
- 2.The Member Secretary to Government
Housing and Urban Development
Secretariat, Fort St.George, Chennai 600 009.
- 3.The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai 600 003.
- 4.The Member Secretary
Chennai Metropolitan Development Authority
Egmore, Chennai 600 008.
- 5.The Inspector of General
Registration Department
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalai Puram, Chennai 600 028.



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6.The Executive Engineer

Town Planning Section Kodambakkam
Zone 10, Greater Chennai Corporation
Noo.64, N.S.K.Salai, Chennai 600 026.

7.M/s.South Indian Cine Television Artists

and Dubbing Artist Union (Reg – 1, 3337/CNI)
Registered Trade Union, represented by its
General Secretary, T.N.B.Kathiravan
No.10, 4th Street, Vijayaragavapuram, Saligramam
Chennai 600 093.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 6 not to give any fresh approval for new building plan approval and reconstruction in the plot bearing Door No.10/3, Vijayaragavapuram 4th Street, Saligramam, Chennai 600 093 pending submission of the enquiry report by the 5th respondent in this Court.

For Petitioners : Mr.S.Ilamvaludhi

For Respondents : Mr.N.Naveen Kumar for R1, R2 & R5
Special Government Pleader
: Mr.Y.Bhuvanesh Kumar for R4
: Mr.D.B.R.Prabhu for R3 & R6
Standing Counsel (GCC)



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ORDER

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The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 to 6 not to give any fresh approval for new building plan and reconstruction in the plot bearing Door No.10/3, Vijayaragavapuram, 4th Street, Saligramam, Chennai 600 003, pending enquiry by the fifth respondent.

2. According to the petitioners, he is a member of the seventh respondent Union. The seventh respondent purchased a property with existing building in Door.No.10, Vijayaragavapuram 4th Street, Saligramamm, Chennai– 600 093. It is the case of the petitioner that the seventh respondent is attempting to demolish the building and without prior permission try to put up new building.

3. As far as the first limb of the prayer of the Writ Petition is concerned, this Court is not inclined to consider the same as the first limb of the prayer would go against the permission given by the Hon'ble Division Bench in earlier Writ Petition in W.P.No.16976 of 2023.



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4. A perusal of the order passed by the Hon'ble Division Bench in WP.No.16976 of 2023 would suggest that the seventh respondent herein was granted three months time to complete the entire demolition work in the land in question. Therefore, it is not open to the petitioners to say that the seventh respondent shall not demolish the existing building, which has already been permitted by the Hon'ble Division Bench.

5. As far as the prayer directing the respondents 1 to 6 not to grant any building plan approval, such ominous prayer is not maintainable. If any application is filed before the respondents 1 to 6 for approval of the building plan, it has to be considered in accordance with law.

6. At the time of arguments, the learned counsel for the petitioner confined his argument to the second limb of prayer in the Writ Petition. The main grievance of the petitioner is that at time of purchasing the property there was an under valuation of property by the seventh respondent. The petitioner preferred a representation to the fifth respondent on 13.04.2023 complaining about the under valuation by the seventh respondent. The said representation of the petitioner is pending enquiry before the seventh respondent.



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7. In view of the limited prayer made by the petitioners, without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to the fifth respondent to consider the representation of the petitioner dated 13.04.2023 after issuing notice to the seventh respondent, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

dna

To

- 1.The Principal Secretary to Government
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