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W.P.No.22615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22615 of 2023
and W.M.P.Nos.22050 & 22052 of 2023

1.Dr.G.Balaji

2.R.Sindhuja

...Petitioners

Vs.

1.The Assistant Director,
Town and Country Planning Office,
No.124, G.S.T Road,
Municipal Complex,
Chengalpattu.

2.The Commissioner,
Chengalpattu Municipality,
Chengalpattu District.

3.V.Vidhya

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records leading to the passing of the impugned order in Na.Ka.No.1751/2023/Se.Maa.3 dated 19.07.2023 and quash the same.



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For Petitioners : Mr.C.Jagadish

For Respondents 1 & 2 : Mr.J.Ravindran
Additional Advocate General IX
Assisted by
Mrs.S.Anitha
Special Government Pleader

ORDER

The writ petition is filed challenging the order passed by the first respondent, suspending the building plan approval granted to the petitioners on the ground a *Status quo* order was granted in a first appeal pending before this Court.

2.The learned counsel for the petitioners submitted that the petitioners purchased the property from Sri Shanmugananda Bus Service Private Limited by sale deed dated 03.06.2019 and 20.07.2020. Thereafter, the petitioners applied for construction of a new building and the same was also granted in favour of the petitioners by proceedings of the first respondent dated 27.05.2022. Subsequently, the first respondent issued a notice to the petitioners, seeking explanation regarding objection made by one V.Vidhya. The petitioners also submitted their explanation by way of representation dated 10.07.2023. The impugned order has been passed by the first respondent even



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without considering the explanation offered by the petitioners. It is the specific case of the petitioners that neither the petitioners nor their vendor, are party to the appeal pending before this Court and therefore, any order passed in that appeal will not bind the petitioner or their vendors .

3.Mr.J.Ravindran, learned Additional Advocate General IX, assisted by Mrs.S.Anitha, learned Special Government Pleader who takes notice for the respondents 1 & 2, on instructions submits that the order impugned in this writ petition may be set aside with a direction to the first respondent to pass fresh order after considering the explanation offered by the petitioners by their letter dated 10.07.2023.

4.A reading of impugned order passed by the first respondent would suggest that the explanation submitted by the petitioners dated 10.07.2023 has not been considered. There is no discussion in the impugned order with regard to the binding nature of the *Status quo* order passed in the proceedings to which the petitioners are not party. In such circumstances, this Court is inclined to set aside the impugned order. However, the first respondent is directed to pass fresh order after giving sufficient opportunity to the petitioners



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as well as the third respondent within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

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S.SOUNTHAR, J.
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