



W.P.No.26736 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

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

AND

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

W.P.No.26736 of 2023

M.Kesavan

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Petitioner

Vs.

1. The Chairman
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
Chennai – 600 008.

2. The District Collector
Thiruvallur District, Thiruvallur.

3. The Tahsildar
Ponneri Taluk, Ponneri.

4. The Block Development Officer
Cholavaram Panchayat Union, Cholavaram.

5. Chandra A.Mehta
6. Sasikala A.Mehta
7. Rajshree N.Mehta
8. Amit A.Mehtra
9. B.Sankar

10. The Sub Registrar
Red Hills, No.2, Sothupakkam Road
Palavayal, Chennai - 600 052.

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the order dated 17.07.2023 in proceedings No.Reg-Layout/8839/2022 numbering the approval frame work as PPD/LO (Regularisation -2017) No.94/2023 on the file of the 1st respondent and to quash the same.

For the Petitioner : Mr.P.Raja
For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Raja, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 4.

2. Learned counsel for the petitioner submits that approval has been granted to the layout filed by the private respondents. While granting approval to the layout, it is not considered by the concerned Authority that the approved road to the said layout is running through a waterbody. According to the learned counsel for the petitioner, survey was conducted by the third respondent in S.Nos.144 and 147, where it was found that S.No.144 is a Kulam and S.No.147 is a Vaikal.



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3. This Court, in an earlier writ petition filed by the petitioner, directed the Tahsildar to conduct an enquiry, upon giving notice to all persons concerned and take further action in accordance with law. In view of the non-compliance of the said order, contempt petition was filed by the petitioner. In the contempt petition, the respondent Authority filed a status report to the effect that the encroachment has been removed. The order is passed in the year 14.07.2023 and the approval to the layout filed by the private respondents has been granted on 17.07.2023. The same is illegal. Learned counsel relies upon the photographs and submitted that the approved road runs through the waterbody.

4. The petitioner is challenging the approval to the layout granted to the private respondents. However, copies of the approved layout are not placed on record. Unless copies of the layout are placed on record, challenge to the approved layout cannot be entertained on merits.



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5. The petitioner does not state that he has seen the layout. The petitioner is presuming all facts without placing the approved layout on record. Such petition cannot be entertained, more particularly when it is stated that the same is filed as a Public Interest Litigation. The petitioner had an occasion to file an application under the Right to Information Act, 2005, as it is not the first Public Interest Litigation filed by the petitioner. It appears that the petitioner has filed the present petition in a casual manner. If there is some public cause, certainly it can be raised, however, the same should be in a proper manner with all the relevant documents on record.

6. In view of that, the writ petition, as such, stands dismissed with costs. Costs in cause. Consequently, W.M.P.Nos.26171 & 26172 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

13.09.2023

Index : Yes/No
Neutral Citation : Yes/No

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

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