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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.15439 of 2023
and WMP Nos.14982, 14983 and 14985 of 2023

1. T.S.Balaji

2. T.S.Srinivasan

Petitioners

vs.

- 1 The Chennai Metropolitan Development Authority (CMDA)
No.1 Gandhi Irwin Road,
Thalamuthu Natarasan Maaligai,
Egmore, Chennai- 600 008.
- 2 The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai- 600 028.
- 3 The District Registrar,
Chennai North Registration District,
Rajaji Salai Chennai- 600 001.
- 4 The Sub Registrar,
Sembim, Chennai- 600 011.
- 5 The Sub Registrar,
Madhavaram, Chennai- 600 052
- 6 The Zonal Officer, (Madhavaram Municipality),
Corporation of Chennai,
Zone-3, Madhavaram High Road, Madhavaram,



Chennai- 600 060.

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- 7 The Executive Engineer,
Tamil Nadu Electricity Board,
O and M- Vyasarpadi Chennai.
- 8 The Assistant Executive Engineer,
Tamil Nadu Electricity Board, O and M - Madhavaram, Chennai.
- 9 Bale Pandian
- 10 Vedammal
- 11 P.Subramani
- 12 G.Ramachandran
- 13 R.Chandran @ Muniyandi
- 14 A.Ponnambalam
- 15 Prabha Devi
- 16 B.Padmavathi Bai
- 17 Job Mani
- 18 S.Minnal Kody
- 19 S.Sankar
- 20 S.Selvam
- 21 R.Vijaya
- 22 R.Lakshmiammal

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent CMDA to cancel the Approval / Permission granted to the layout via PPD/ LO / No.58/ 2003 in respect of the property situated in survey No.568 and 574 of Madhavaram Village, Madhavaram Taluk, Thiruvallur District forthwith and Consequently directing the Respondents 2 to 5 to cancel the Gift Deed sale Deeds and Settlement Deeds of the Respondents 11 to 22 in Document Nos.2958 /2003, 8731/ 2003, 612/ 2004, 1341/2004, 8175/ 2004, 2613/ 2015, 2615/ 2005, 1671/2013, 1672/ 2013, and 5767/ 2013. which are null, void, sham, nominal and collusive documents in respect of the property situated in survey no. 568 and 574 of Madhavaram Village Madhavaram Taluk , Thiruvallur District on the basis of the judgement and decree dated 15.12.2003 in O.S.No.29 of 2000 passed by the Sub-Court, Ponneri and pendency of execution proceedings in E.P.No.2/2007 now pending on the file of District Munsif cum Judicial Magistrate Court, Madhavaram.

For Petitioner : Mr.A.Muthukumar
For Respondents : Mrs.R.Revathy
Standing counsel for R1
Mrs.S.Mythreye Chandru
Special Government Pleader
for R2 to R5
Mr.E.C.Ramesh for R6

ORDER



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The petitioners have approached this Court seeking for the issue of writ of Mandamus directing the 1st respondent to cancel the approval / permission granted for the layout and consequently, directing the respondents 2 to 5 to cancel various documents that were registered by the private respondents on the ground that they are null and void and non-est in the eye of law.

2. Heard Mr.A.Muthukumar, learned counsel for the petitioner and Mrs.R.Revathy, learned Standing counsel for 1st respondent and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents 2 to 5 and Mr.E.C.Ramesh, learned counsel for 6th respondent.

3. The crux of the issue involved in this writ petition is that the father of the petitioners was an agreement holder with respondents 9 and 10. Since they did not execute the sale deed, the father of the petitioner filed a suit in O.S.No.29 of 2000 on the file of Sub Court, Ponneri, seeking for the relief of specific performance. The suit was initially decreed ex-

parte. Thereafter, application was filed by the respondents 11 and 12 to



set-aside the exparte decree and the same came to be dismissed by the Trial Court. Aggrieved by the same, they filed CRP (NPD) No.4223 of 2018 before this Court and this Court allowed the CRP by an order dated 11.03.2021 and directed the Court below to number the application and dispose of the same on merits and also further directed to dispose of the suit within a period of three months.

4. The grievance of the petitioner is that the suit is pending and the respondents are dragging on with the suit and in the meantime, they have managed to get the approval / sanction for the layout and 3rd party rights have been created by executing various documents. In view of the same, the petitioners who have come on record after the demise of their father, have approached this Court, seeking for the cancellation of the approval and for the cancellation of the various documents executed by the private respondents.

5. In the considered view of this Court, the CMDA has acted upon the application submitted by the owners of the property and on satisfying the requirements, the sanction / approval has been granted for the layout. Pursuant to the same, documents have been executed in



favour of private respondents by the owners of the subject property.

Admittedly, no interim order has been passed by the Civil Court restraining the owners of the property from dealing with the same. In view of the same, there is no bar for the owners of the property to deal with the property. At the best, whatever transaction takes place, it will be subject to the result of the suit by applying the principles of *lis pendens*. It is now too well settled that a transaction which is hit by *lis pendens* would not render the transaction itself to be void or illegal and at the best, it will only be subject to the result of the litigation and the parties will be bound by the same. Useful reference can be made to the judgement of the Apex Court in **[Mr.T.Ravi and another Vs. B. Chinna Narasimha and others]** reported in **2017 7 SCC 342** in this regard.

6. In the light of the above discussion, there is no scope for interfering with the sanction / approval granted by the 1st respondent and also the documents executed by the owners of the property at this stage. It will all depend upon the final result in the suit and if in the event of the petitioners succeeding in the suit, they can always approach the concerned authorities and seek for the cancellation. Till then, the petitioners do not have the cause of action to seek for the relief sought



for in this writ petition.

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7. This Court while disposing of CRP (NPD) No.4223 of 2018, specifically directed the suit to be disposed of within a period of three months by order dated 11.03.2021. It is brought to the notice of this Court that the suit is yet to be disposed of. The suit is of the year 2000 and it is nearly 23 years since the suit was filed and ultimately, it has to see the light of the day and hence, there shall be a direction to the District Munsif Court, Madhavaram, to dispose of O.S.No.29 of 2000 within a period of three months from the date of receipt of the copy of this order and a compliance report shall be filed before this Court.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

02.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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Note : A copy of the order shall be marked to the District Munsif Court,



Madhavaram.

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To

- 1 The Chennai Metropolitan Development Authority (CMDA)
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8 The Assistant Executive Engineer
Tamil Nadu Electricity Board O and M - Madhavaram, Chennai.

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N. ANAND VENKATESH, J.

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