



W.P.No.26132 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

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

AND

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

W.P.No.26132 of 2017

Kannan Balachandran

.. Petitioner

Vs.

1. Chennai Metropolitan Development Authority
Through its Member Secretary
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008.

2. Y.Siva Arul Durai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring that the Tamil Nadu Government Notification No.VI(1)346/2013 dated 23.08.2013, as published in the Tamil Nadu Government Gazette dated 28.08.2023, is illegal, null and void and ultra vires the Tamil Nadu Town and Country Planning Act, 1971 and the Constitution of India and issue a



W.P.No.26132 of 2017

WEB COPY

consequential direction forbearing the first respondent from in any manner permitting the use of the area comprised in Old Door No.23/2&3, 24 & 25, New Door No.6, 8 & 10/2&3, Mangesh Street, T.Nagar, Chennai 600 017, for commercial use.

For the Petitioner : Mr.Suhrith Parthasarathy

For the Respondents : Mr.Y.Bhuvanesh Kumar
for Respondent-1

Mr.V.J.Arul Raj
for Respondent-2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Suhrith Parthasarathy, learned counsel for the petitioner, Mr.Y.Bhuvanesh Kumar, learned counsel for the first respondent and Mr.V.J.Arul Raj, learned counsel for the second respondent.

2. Learned counsel for the second respondent submits that with regard to the same building, another writ petition was filed and this Court dismissed the writ petition. Against the same, the Mangesh



W.P.No.26132 of 2017

Street Residents' Welfare Association filed Special Leave to Appeal (Civil) bearing No.9027 of 2011 and the Apex Court passed an order as under:

“In response to the submissions made by Shri Ranjit Kumar, learned senior counsel appearing for the petitioner, Shri K.K. Venugopal, learned senior counsel appearing for the respondent nos.6 to 9, on instructions, made a statement that ingress in the property of respondent nos.6 to 9 will be from Mangesh Street and egress will be on Duraiswamy Road.

Keeping in view the statement of Shri Venugopal and the fact that the building has already been constructed at the site, we do not consider it proper to interfere with the impugned orders.

The special leave petitions are accordingly dismissed leaving the question of law open to be decided in an appropriate case.

It is needless to say that this order shall not affect the proceedings, if any, initiated by the Chennai Metropolitan Development Authority against respondent Nos.6 to 9.”

3. In view of the fact that the Apex Court has already passed an



W.P.No.26132 of 2017

WEB COPY

order, the present writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.27768 of 2017 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008.



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W.P.No.26132 of 2017

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

(kpl)

W.P.No.26132 of 2017

14.09.2023