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W.P.No.33682 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33682 of 2023

A.Mani,
S/o.Anthony.

.. Petitioner

Vs.

1.The Tamil Nadu Real Estate Regulatory Authority,
Ansari Estate, Egmore, Chennai – 600 008.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Ervin Road,
Egmore, Chennai – 600 008.

3.The Commissioner,
Greater Corporation of Chennai,
Rippon Building, Chennai – 600 003.

4.The Executive Engineer,
Zone-XI, Greater Corporation of Chennai,
Valasaravakkam, Chennai – 600 087.

5.The Assistant Executive Engineer,
Division No.143, Ward No.32,
Zone-XI, Greater Corporation of Chennai,
Mogapair, Chennai – 37.



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6.The Sub-Registrar,
Villivakkam, Chennai.

7.N.Narayanamurthy

8.D.Anusha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 19.09.2023 to cancel the layout approval issued for layout viz. (Aura Nanda Nandana) in respect of land measuring 20 cents in S.No.170/4, Nollambur Village, which is situated at Division No.147, Ward No.32, Zone No.XI of Greater Corporation Chennai, which was issued in favour of the respondents 7 & 8 by through the Layout Approval vide No.NDCN11/00001/2022 dated 04.01.2022 issued by third respondent and Registration No.TN/29/Layout/1761/2021 dated 04.01.2022.

For Petitioner : Mr.A.Ilayaperumal

For RR 1 and 2 : Mr.P.Muthukumar,
Government Pleader

For RR 3 to 5 : Mr.E.C.Ramesh



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ORDER

(Order of the Court was made by R. Mahadevan, J.)

The petitioner has filed this writ petition for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider and pass orders on his representation dated 19.09.2023 with respect to cancellation of the layout approval issued to the respondents 7 and 8, in respect of the land measuring 20 cents in S.No.170/4, Nollambur Village, which is situated at Division No.147, Ward No.32, Zone No.XI of Greater Corporation Chennai.

2.According to the petitioner, the land in S.No.170/4 measuring 0.20 cents in Nollambur Village Panchayat Union is classified as 'Government Poramboke-Thanneer Pandal land' and the same has now been changed as a public park for the usage of all the general public. While that being so, the respondents 7 and 8, who have promoted a layout in their lands which is adjacent to the said public park, have taken control over the same and have put up display boards as if the said public park as their own property. It is the specific case of the petitioner that the public park was



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mentioned in the layout application made by the private respondents as if the said public land is their own land with an ill intention to grab the public park. In this connection, the petitioner has made a representation to the official respondents requesting to remove the said illegal encroachment, but, the same is kept pending without any consideration till date. Therefore, this writ petition.

3.The learned counsel for the petitioner so specifically raised an issue that the respondents 7 and 8 have obtained layout approval and layout sanction for their lands adjacent to the public park by mentioning the public park in their application as if the same is their own land and started to sell the property, thus cheating the Government and also the public, who are purchasing the house sites by making them believe that the public park is the land of the respondents 7 and 8. Pointing out the same, the petitioner made a representation to the authorities, which has not been considered so far. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.



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4. On the other hand, the learned Government Pleader appearing for the respondents 1 and 2 submitted that the representation of the petitioner dated 19.09.2023 will be considered purely on merits and in accordance with law. He further submitted that an inspection would be conducted by the official respondents and encroachment, if any, effacing the public park would be removed by following due procedure as contemplated under law, after providing an opportunity of hearing to all the parties concerned.

5. Considering the nature of the issue involved herein and having regard to the submissions of the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 19.09.2023 and pass appropriate orders on merits and in accordance with law, after conducting an inspection in the presence of the petitioner and the respondents 7 and 8, examine the documentary evidence, if any, submitted by them and also after affording an opportunity of hearing to the petitioner, seventh and eighth respondents as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, the writ petition stands disposed of. No

costs.

(R.M.D., J.) (M.S.Q., J.)
01.12.2023

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

nsd

To

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