



WEB COPY



W.P.No.100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.100 of 2024

Mr.S.Ramachandran

... Petitioner

Vs.

1.The Collector,

Kancheepuram District,
Office of the Collector,
Kancheepuram District

2.The Commissioner,

Mangadu Municipality,
Chennai 600 122

(2nd respondent cause title amended as

per order dated 10.01.2024 in WMP.No.1040
of 2024 in WP.No.100 of 2024)

3.The Tahsildhar,

Sriperumbudur Taluk,
Kancheepuram District 602 105

4.The Member Secretary,

Chennai Metropolitan Development Authority,
Gandhi Irvin Road,
Egmore, Chennai 008

(respondents 3 and 4 impleaded as per order dated
10.01.2024 in WMP.No.1038 of 2024 in
WP.No.100 of 2024)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus by calling for the



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records passed by the second respondent in proceeding No.NA.No.1014/203/F1 dated 14.12.2023, quash the same and consequently direct the second respondent to consider the application of the petitioner in respect of the Sub Division of Plot Nos.25, 26, 27 and 28 of Kalaimagal Nagar, PPD/LO No.46 and 186/1989 Mangadu Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.S.I.Sharukumar

For Respondents

For R1 & 3 : Mr.V.Manoharan,
Additional Government Pleader

For R2 : Mr.P.Srinivas

For R4 : Mr.C.Manoharan,
Standing Counsel

ORDER

This writ petition has been filed challenging the order dated 14.12.2023 of the second respondent thereby returned the application for sub division approval.

2. The petitioner is the power of attorney of one, Mr.Eapen Chacko and his wife. They own land in plot Nos.15, 16, 17, 26, 27 & 28 in the layout approved bearing No.146/89 comprised in survey No.376/2 of Kalaimagal Nagar in 42 Mangadu Village, Sriperumbudur Taluk,



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Kancheepuram District to an extent of 5 grounds and 600 sq.ft. The petitioner was asked to develop the said property and accordingly, the petitioner approached the fourth respondent for planning permission in respect of plot Nos.26, 27, 28 in order to develop the property by way of constructing flats. Accordingly, the petitioner was granted approval by order dated 02.09.1989. However, the said project could not be initiated and as such, once again the approval was renewed in the year 2015 by the fourth respondent and the same was also duly attested by the second respondent. The petitioners had paid requisite fees. The approval plan issued by the fourth respondent was valid till 2020. However, once again due to family circumstances, the approval could not be implemented. An amount which was paid to the tune of Rs.3,72,000/- in favour of the second respondent is still lying with the authority. Thereafter, the petitioner had applied for sub division of plot Nos.25, 26, 27 & 28 in order to effectively dispose it off to the prospective buyers. However, it was returned on the ground that there is encroachment in the 30 feet road. The petitioner had shown the road width as 30 feet. However, on inspection, there is encroachment in the 30 feet road.



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3. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

4. On perusal of the counter filed by the second respondent, revealed that the layout in No.PPD/LO No.146/1989 was issued by the fourth respondent on 13.07.1989 for development of the lands of a total extent of 8093.60 sq.mtrs or 2 acres in survey Nos.375/3, 376/1, 376/2 in Mangadu Village. A total of 28 plots were marked out with one shop. As per the layout, two outer roads with width of 40 feet and two internal roads with width of 30 feet are available. It is set out as 30 feet road on the southern side, the actual availability of land belonging to the petitioners does not allow for the existence of the width of 30 feet. Now it is only with 17 feet width. The rest of the said street is classified as grama natham and third parties were issued patta. However, the learned counsel for the respondents submitted that if the petitioners resubmit application for sub division approval by showing the road as 17 feet width, it will be considered since the rule prescribes the requirements of access road as only 16 feet.



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5. Therefore, in view of the above, the petitioners are directed to re-submit application for sub-divisional approval in the prescribed format before the second respondent by showing the access road with the width of 17 feet within a period of two weeks from the date of receipt of copy of this order and on receipt of the same, the second respondent is directed to consider the same and grant sub-division approval in accordance with the rules within a period of four weeks thereafter

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

07.08.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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