



WEB COPY



WP.No.7966 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.7966 of 2021
WMP.Nos.8519 and 8653 of 2021

C.Nikitha

Petitioner

Vs

1. The Commissioner, Greater Chennai Corporation
Chennai-3
2. The Executive Engineer, Zone4 (Old Zone 1)
Chennai-21
3. The State of Tamil Nadu by its Additional Secretary Technical
Housing and Urban Development Department
Fort St.George, Chennai-9
4. The Member Secretary, Chennai Metropolitan
Development Authority, Chennai-8
5. N.Sridhan

Respondents

Prayer:- This Writ Petition has been filed, under Article 222 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent, d 10.02.2020, in Letter No.22204/UD-VII(1)/2014-9, pertaining to the Petitioner's property situated at Door No.170/7, Butchiammal Street, New Washermenpet, Chennai-81 and to quash the same.



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For Petitioner : Mr.K.Balaji

For Respondents : Mr.D.Br.Prabhu-RR1 and 2
Mrs.Veena Suresh-R4
Mrs.V.Yamuna Devi-SGP-R3
No Appearance-R5

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition has been filed, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent, d 10.02.2020, in Letter No.22204/UD-VII(1)/2014-9, pertaining to the Petitioner's property situated at Door No.170/7, Butchiammal Street, New Washermenpet, Chennai-81 and to quash the same.
2. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
3. The challenge in this Writ Petition is to the order passed by the 3rd Respondent, dismissing the statutory appeal filed by the Petitioner under Section 80A of the Tamil Nadu Town and Country Planning Act. By the impugned order, the appeal filed by the Petitioner was rejected and the Member Secretary, Chennai Metropolitan Development Authority was directed to pursue necessary enforcement action.
4. The learned counsel for the Petitioner states that the Petitioner has vacated from the premises and the premises is not put in use, as they have decided to pull down the structure and to go for new construction, after getting fresh



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planning permission. The learned counsel also submits that there is a dispute regarding the title of the premises between the Petitioner and his grand mother, since his grand mother, who executed a settlement deed in favour of the Petitioner, has subsequently revoked the settlement deed and that the revocation of such settlement deed is an obstacle not only in putting up the construction, but also for getting fresh planning permission.

5. We are not inclined to go into those factual aspects, which have to be decided by a Civil Court, after a full fledged trial. In view of the submission of the learned counsel for the Petitioner that the Petitioner has already decided to vacate the premises and has also filed an application for demolition and reconstruction, this Court finds that the prayer in this Writ Petition has become infructuous and accordingly, it is liable to be dismissed, as infructuous.

6. In fine, this Writ Petition is dismissed. No costs. Consequently, the connected MPs are closed. However, it is open to the Petitioner to make a fresh application for getting planning permission, in accordance with law and the Respondent can process the application submitted by the Petitioner without prejudice to anyone's right, which will be ultimately decided by the Civil Court. It is also open to the Respondent to proceed further in demolition of the building if it is in a dilapidated stage.

(S.S.S.R.J.) & (N.S.J.)



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Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

Srcm



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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

1. The Commissioner, Greater Chennai Corporation, Chennai-3
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