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W.P.Nos.11736 of 2020 and 372 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM:

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

W.P.Nos.11736 of 2020 and 372 of 2021

W.P.No.11736 of 2020:-

A.V.Lakshmi

... Petitioner

-Vs-

The Commissioner,
Pammal Municipality,
Pammal,
Chengalpet District.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to order to sanction proposed private street in Revenue S.No.209/2G at Pammal, Pammal Municipality, Chengalpet Taluk pursuant to the application made by the petitioner on 07.01.2020 under Section 176 of the Tamil Nadu District Municipalities Act.

For Petitioner : Mr.N.Suresh
For Respondent : Mr.L.P.Maurya
Standing Counsel

W.P.No.372 of 2021:-

1. A.V.Lakshmi
2. A.V.Vijaya Prakash Avula

... Petitioners

-Vs-



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1. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai.

2. The Commissioner,
Pammal Municipality,
Pammal, Chennai- 75.

3. The Tahsildhar,
Pallavaram Survey.
(R3 Suo-Motu Impleaded
Vide Order dated 08.01.2021
Made In W.P.No.372/2021)

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the Plots of the Petitioner in Survey No.209/2F- 216.16 Square metre, Sankar Nagar 1st Cross Street, Pammal Municipality, Chengalpet Taluk by processing the Application for regularization dated 23.10.2020 submitted by the Petitioner.

For Petitioners	: Mr.N.Suresh
For R1	: Mrs.K.Mageswari Standing Counsel
For R2	: Mr.L.P.Maurya Standing Counsel

COMMON ORDER

W.P.No.11736 of 2020 has been filed for direction directing the respondent to order to sanction proposed private street in Revenue S.No.209 / 2G at Pammal, Pammal Municipality, Chengalpet Taluk pursuant to the application made by the petitioner on 07.01.2020 under Section 176 of the Tamil Nadu District Municipalities Act.



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2. W.P.No.372 of 2021 has been filed for direction directing the respondents to regularize the Plots of the Petitioner in Survey No.209/2F- 216.16 Square metre, Sankar Nagar 1st Cross Street, Pammal Municipality, Chengalpet Taluk by processing the Application for regularization dated 23.10.2020 submitted by the Petitioner.

3. Heard both sides and perused the materials available on record.

4. The petitioner in W.P.No.11736 of 2020 submitted an application on 07.01.2020 seeking sanction of proposed private street for the land comprised in S.No.209/2G, Pammal Municipality. According to the petitioner in W.P.No.11736 of 2020, the said land was settled by her son by the registered settlement deed dated 06.08.2019 vide Document No.6532 of 2019. The said land was purchased by her son by the registered sale deed dated 12.12.2018 vide Document No.9195 of 2018 from one Appadurai. The access of his property is a private lane originally formed by the said Appadurai in the land comprised in S.No.209/2G and it is a private lane through which there is an access to the petitioner's property.

5. Therefore, the petitioner in W.P.No.11736 of 2020 submitted an



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application under Section 176 of Tamil Nadu District Municipalities Act.

Accordingly, any person intending to make or lay out a new private street shall send to the Municipal office a written application and plan and showing the particulars i.e, (a) intended level, direction and width of the street, (b) street alignment and the building line, (c) the arrangements to be made for levelling, paving, melting etc.

6. A perusal of the counter and on the submissions made by the learned Standing Counsel appearing for the respondents revealed that the land comprised in S.No.209/2G ad-measuring 0.01 hectares is owned by Mohmuda Sheikh and two others. That apart, the land comprised in S.No.209/3 ad-measuring 0.01.5 hectares is classified as Anadheenam land as per the revenue records. Therefore, the request made by the petitioner in W.P.No.11736 of 2020 for sanction for the proposed private land cannot be considered.

7. The learned counsel for the petitioner in W.P.No.11736 of 2020 produced revenue records showing that the land comprised in S.No.209/2G which stands in the name of one Appadurai from whom her son had purchased the land comprised in S.No.209/2F. Insofar as the land comprised in S.No.209/3, it is not concerned with the proposed private street. Therefore, the



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respondent in W.P.No.11736 of 2020 is directed to conduct enquiry in this regard and after giving an opportunity of hearing to the petitioner in W.P.No.11736 of 2020 and on production of documents, pass appropriate orders for sanctioning the private street in Revenue S.No.209/2G at Pammal, Pammal Municipality, Chengalpet Taluk, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. Pending W.P.No.11736 of 2020, the petitioners in W.P.No.372 of 2021 submitted an application for regularization of their house plot which is comprised in Survey No.209/2F- 216.16 Square metre, Sankar Nagar 1st Cross Street, Pammal Municipality, Chengalpet Taluk. In view of the pendency of W.P.No.11736 of 2020, the application submitted by the petitioners in W.P.No.372 of 2021 for regularization has been returned. If the petitioners in W.P.No.372 of 2021 succeeds in the enquiry to be conducted by the Commissioner, Pammal Municipality, Pammal, Chengalpet District, the petitioners in W.P.No.372 of 2021 can very well make fresh application for regularization.

9. With the above directions, these writ petitions are disposed of. There shall be no order as to costs.



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14.10.2024

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai.
2. The Commissioner,
Pammal Municipality,
Pammal, Chennai- 75.
3. The Tahsildhar,
Pallavaram Survey.



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G.K.ILANTHIRAIYAN. J,

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