



W.P.Nos.14204 & 14488 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 14204 & 14488 of 2024
and
W.M.P.Nos. 15403 & 15756 of 2024

W.P.No.14204 of 2024

N.Sathyannarayana

.... Petitioner

Vs

1.The Vice Chairman,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam, R.A.Puram,
Chennai – 600 028.

3.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

4.The Sub Registrar
Sammandam Nagar Main Road,



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Kundrathur, Chennai – 600 069.

5.The Commissioner,
Thiruverkadu Panchayat Union,
No.1, Sivan Koil Street,
Tiruverkadu, Thiruvallur District.

6.The Chairman,
Thiruverkadu Panchayat Union,
No.1, Sivan Koil Street,
Tiruverkadu, Thiruvallur District.

7.G.Sriram @ Guddireddigari Sriram

8.Y.Achyuth Reddy

9.G.Indira Reddy @ Guddireddigari Indira Reddy

10.K.K.Gupta @ Krishna Kumar Gupta

11.Sundeeep Gupta

12.B.Vikram Kumar Bagmar

13.M/s.Boonega Properities LLP

Rep by its Partner,
B Vikram Kumar Bagmar
Nos.19 & 20, Ram Lakhan Chambers,
General Muthaiah Mudali Street,
Sowcarpet, Chennai – 600 001.

14.M/s.Royal Land & Developers Pvt. Ltd.,

Rep. by its Director,
B Vikram Kumar Bagmar
First Floor, Western Wing,
New No.6, Old No.23,
Krishnamma Road,
Nungambakkam, Chennai – 600 034.

15.M/s.Patron First Choice Developers Pvt.Ltd.,

Rep. by its Director,
B Vikram Kumar Bagmar
No.20, General Muthaiah Mudali Street,
Sowcarpet, Chennai – 600 001.



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16.M/s.Prospira Industries Pvt Ltd.,
Rep. by its Director,
B Vikram Kumar Bagmar
No.31, Chandrappa Mudali Street,
Sowcarpet, Chennai – 600 001.

17.Shantha.G
18.Pinku Bagmar
19.Suresh B.Saraf
20.Santosh Saraf
21.Kamal Agarwal
22.Lalita Agarwal
23.Omprakash Saraf

.... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1, 3, 5 and 6 herein not to grant approval for construction of Special buildings or any other development in respect of the property comprised in S.Nos.80/1A, 80/1B1, 80/1B2, 80/1C, 80/1E, 80/1F, 80/1G and 81/1B, situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, belonging to respondents 7 to 11, 14, 17 and 18 herein, without creation of approach roads for the petitioner's property located in the interior in accordance with Rule 39 Sub-Rule 17 of the Tamil Nadu Combined Buildings and Development Rules 2019. **(Prayer amended as per the order of this Court dated 05.09.2024 in W.M.P.No.27821 of 2024 in W.P.No. 14204 of 2024).**

For Petitioner	: Mr.M.Guruprasad for Dipthi Munotha A
For R1 & R3	: Mrs.P.Veena Suresh Standing Counsel
For R2 & R4	: Mr.T.Chezhiyan Additional Government Pleader



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For R5	: Mr.P.Srinivas Standing Counsel
For R7 to R9 & R12	: M/s.George Cheriyan
For R10, R11, R14 to 16	: Mr.E.Omprakash, Senior Counsel for Mr.M.Murali
For R13	: Mr.K.Dhananjayan
For R17 & R18	: Mr.A.Kowsik Raghu Raja
For R20 to R23	: Mrs.Swetha Sridhar

W.P.No.14488 of 2024

R.Sarada

.... Petitioner

Vs

1.The Vice Chairman,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

3.The Commissioner,
Thiruverkadu Panchayat Union,
No.1, Sivan Koil Street,
Tiruverkadu, Thiruvallur District.

4.The Chairman,
Thiruverkadu Panchayat Union,
No.1, Sivan Koil Street,
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5.G.Sriram @ Guddireddigari Sriram
6.Y.Achyuth Reddy



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7.G.Indira Reddy @ Guddireddigari Indira Reddy

8.K.K.Gupta @ Krishna Kumar Gupta

9.Sundeeep Gupta

10.B.Vikram Kumar Bagmar

11.M/s.Royal Land & Developers Pvt. Ltd.,

Rep. by its Director,

B Vikram Kumar Bagmar

First Floor, Western Wing,

New No.6, Old No.23,

Krishnamma Road,

Nungambakkam, Chennai – 600 034.

12.Shantha.G

13.Pinku Bagmar

.... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 4 herein not to grant approval for construction of Special buildings or any other development in respect of the property comprised in S.Nos.80/1A, 80/1B1, 80/1B2, 80/1C, 80/1E, 80/1F, 80/1G and 81/1B, situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, belonging to respondents 5 to 9 and 11, without creation of approach roads for the petitioner's property located in the interior, in accordance with Rule 39 Sub-Rule 17 of the Tamil Nadu Combined Buildings and Development Rules 2019. **(Prayer amended as per the order of this Court dated 05.09.2024 in W.M.P.No.27793 of 2024 in W.P.No. 14488 of 2024)**

For Petitioner

For R1 & R2

For R3

: Mr.M.Karthikeyan

: Mrs.P.Veena Suresh

Standing Counsel

: Mr.P.Srinivas



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For R4	Standing Counsel
For R5 to R7, R10	: No appearance
For R8, R9 & R11	: M/s.George Cheriyan
	: Mr.E.Om Prakash
	Senior Counsel
	for Mr.r.Murali
For R12 & R13	: Mr.A.Kowsik Raghu Raja

COMMON ORDER

W.P.No.14204 of 2024 has been filed for a direction, directing the respondents 1, 3, 5 and 6 herein not to grant approval for construction of Special buildings or any other development in respect of the property comprised in S.Nos.80/1A, 80/1B1/, 80/1B2, 80/1C, 80/1E, 80/1F, 80/1G and 81/1B, situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, belonging to the respondents respondents 7 to 11, 14, 17 and 18 herein, without creation of approach roads for the petitioner's property located in the interior.

2. W.P.No.14488 of 2024 has been filed for a direction, directing the respondents 1 to 4 herein not to grant approval for construction of Special buildings or any other development in respect of the property comprised in S.Nos.80/1A, 80/1B1/, 80/1B2, 80/1C, 80/1E, 80/1F, 80/1G and 81/1B, situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, belonging to the respondents 5 to 9 and 11



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herein, without creation of approach roads for the petitioner's property located in the interior in accordance with Rule 39 Sub-Rule 17 of the Tamil Nadu Combined Buildings and Development Rules 2019.

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

4. A perusal of the counter filed by the first respondent reveals that the application submitted by the private respondent for layout approval in respect of the property comprised in S.Nos.80/1A, 80/1B1, 80/1B2, 80/1C, 80/1E, 80/1F, 80/1G and 81/1B situated at Noombal Village, Poonamallee Taluk, Thiruvallur District, did not have the qualifying road width requirement as per TNCD & BR requirements. Further, the compound wall constructed includes additional land, though such additional land is not covered in the proposal. That apart, the applicant failed to provide link road to the surrounding lands. Therefore, the first respondent returned the planning permission on 10.06.2024.

5. Mr.E.Om Prakash, learned Senior Counsel submitted that the applicants, viz., those who applied for planning permission,



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re-submitted the application after complying with all queries raised by the first respondent. While considering the applications, the first respondent has to afford an opportunity of hearing to the objectors i.e., the petitioner herein, and then pass appropriate orders. In respect of the property owned by the private respondent comprised in S.No.80/1B2, the planning approval is pending with the first respondent, in which, the petitioner has also raised objections.

6. Therefore, the first respondent is directed to issue notice and give an opportunity of hearing to the objectors and pass orders on the application submitted by the private respondent for planning approval.

7. With the above direction, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed.

No costs.

05.09.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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Chennai Metropolitan Development Authority (CMDA),
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Chennai – 600 008.



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G.K.ILANTHIRAIYAN. J,

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and
W.M.P.Nos. 15403 & 15756 of 2024

05.09.2024