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W.P.No.18951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

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

W.P.No.18951 of 2024 and
WMP.No.20814 of 2024

Jacaranda Properties Private Limited,
represented by its Authorised Signatory
Dineshkumar Sundararaju
No.12, South Mada Street, Srinagar Colony,
Saidapet, Chennai 600 015

... Petitioner

Vs

- 1.The State of Tamilnadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Chennai 600 009, Tamilnadu
- 2.The Assistant Director/Member Secretary
Mamallapuram Local Planning Authority,
District Town and Country Planning
District Urban Development Office,
D-Block, 4th Floor, District Collector Perunditta Complex,
Vedanarayanapuram, Venpakkam Post,
Chengalpattu District 603 111, Tamilnadu
- 3.The Revenue Divisional Officer,
Revenue Division Office,
Kadaperi, Tambaram,
Chennai 600 045, Tamilnadu



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4.The Sub Registrar,
Office of Sub Registrar, Thiruporur,
29, South Mada Street,
Thiruporur 603 110, Tamilnadu

5.The Thasildar, Vanadalur,
Vandalur Taluk Office,
Otteri, Peerakankaranai,
Chengalpattu District 600 048, Tamilnadu
Respondents

.....

Prayer :

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order dated 26.04.2024 vide no.Na.Ka.No.2845/2020 MAUDIGU(SEC-5) from Assistant Director / Member Secretary, Mamallapuram Local Planning Authority, District Town and Country Planning, Chengalpattu District and to quash the same and further direct the second respondent to restore the layout approval issued vide No.130/2023.

For Petitioner : Mr.S.P.Vijayaragavan

For Respondents : Mr.V.Manoharan,
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 26.04.2024 thereby cancelled the lay out approval issued vide No.130/2023.

2. The petitioner had purchased a contiguous land parcel admeasuring 15.04 acres comprised in survey Nos.147/2, 148/3B, 149/1, 149/2B, 166/1A, 166/1B, 166/1C, 166/2A, 166/2B, 166/3, 169/1, 169/2, 170/1, 170/2, 171/1, 171/2, 171/3, 171/4, 172, 173/1, 173/2, 177/4, 177/5, 178/1, 178/2, 178/3A, 178/3B, 179/1B PT, 179/2A, 179/2B, 181/1, 181/2 and 229/3B situated at Siruseri within Sub Registration District of Thiruporur between the years 2013 to 2014. It was purchased based on the policy decision taken by the Government of Tamilnadu converting the entire Siruseri village as Urbanisable Use Zone as per GO.No.Ms.No.287 dated 08.07.2004. As per the Mamallapuram Master Plan, the entire Siruseri Village barring few survey numbers has been declared as 'urbanisable use zone' and 'agricultural use zone' has been declared as 'Nil'.



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2.1 Further, by the amendment order passed in GO.Ms.No.28 dated 17.07.2013, it was ordered that the lands in Siruseri Village were clarified as 'mixed residential zone' from urbanisable use zone. Therefore, the petitioner, with the guidance of real estate land brokers and aggregators, had purchased the said lands. After purchase, the petitioner was issued patta. Thereafter, the petitioner had formulated a scheme for developing the said land in the name of 'Catalunya City' in various phases and applied for necessary approval before the second respondent. As far as phase-1, the petitioner was granted planning permission dated 06.03.2015 DTCP Chengalpet for construction of residential building comprising stilt and four floors, commercial building comprising basement, stilt and one floor and economical weaker section block comprising slit and four floors.

2.2 Thereafter in the year 2018, the petitioner was granted planning permission on 21.02.2018 for construction of residential building comprising basement, stilt and 16 floors and economical weaker



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section block comprising slit and four floors towards phase-2.

Subsequently on necessary payment of shelter fund, the second respondent accepted and approved some changes of the concept in the group development scheme. Thereafter, the petitioner had applied for approval for development of layout to an extent of 4.44 acres as phases-3. The second respondent approved the layout project on 16.06.2023. After complying all conditions such as gifting the road area, OSR land to the local body and land for TANGEDCO for putting up necessary transformers, the lands for laying roads, water drainage channel, etc., thereafter plots were sold to the public. While being so, there was dispute between the real estate brokers who assisted to identify and purchase the said land in favour of the petitioner and the petitioner through association called Anaithu Vivasaya Sagupadi Payirkal Urpathi Vivasayigal Sangam filed suit in OS.No.579 of 2014 on the file of the District Munsif Court, Chengalpet and also filed several writ petitions before this Court as against the petitioner seeking injunction before the civil court and seeking direction before this Court directing the Government authorities to take appropriate action from intermeddling



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with the water drainage channel and adjacent foot path, cart track and other amenities. On receipt of the representation, the District Collector passed order dated 27.09.2021 by relying upon the joint report filed by the third respondent herein dated 18.06.2021 and other Departments.

2.3 Aggrieved by the same, the petitioner preferred revision before the Government. The said association also filed contempt petition in Cont.P.No.2845 of 2022 in WP.No.4864 of 2016 for non compliance of the order towards implementation of the order passed by the District Collector. In the said contempt petition, this Court by order dated 11.03.2024, directed the third respondent to execute the order dated 14.02.2023 within a period of three weeks. As per the order dated 14.02.2023, the third respondent indicates an alternate solution to protect the water canal and to ensure free flow of water to the agricultural lands. The third respondent complied with the direction. Thereafter, the third respondent also imposed bar for registration of any plot in the lay out No.130/2023 dated 03.04.2024. In view of the said order, the fourth respondent rejected the sale deed produced by the petitioner for



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registration in respect of plots in the layout No.130/2023 by citing the order passed by the third respondent thereby not to register any document pertaining to the survey Nos.179/1B, 179/2A, 179/2B, 169/1, 169/2 and 169/3 of Siruseri Village.

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

4. On perusal of the order dated 03.04.2024 also revealed that the petitioner had obtained layout approval issued vide No.130/2023 by suppressing the orders passed by the District Collector and the proceedings which are pending before the civil courts as well as this Court. Therefore, the petitioner challenged the said order dated 03.04.2024 on the file of the third respondent and the order dated 05.04.2024 of the fourth respondent in WP.No.11781 of 2024. The said writ petition was ordered to be tagged with the contempt petition in Cont.P.No.2845 of 2022. In the meanwhile, it was ordered not to precipitate the issue till the matter is decided by the Hon'ble Division



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Bench of this Court. While being so, the third respondent issued letter to the petitioner dated 22.04.2024 thereby called the petitioner for enquiry to be held on 24.04.2024. However, the petitioner did not participate in the enquiry. As such, the third respondent directed the fifth respondent to form a new water channel in the layout. Thereafter, the second respondent cancelled the layout approval temporarily by the order dated 26.04.2024. In the meanwhile, the petitioner, aggrieved by the order passed in the contempt petition in Cont.P.No.2845 of 2022, preferred an appeal before the Hon'ble Supreme Court of India in SLP(Civil) No.12369 of 2024. The Hon'ble Supreme Court of India by order dated 28.05.2024, stayed the order dated 11.03.2024 and also directed to maintain *status quo* as it exists today shall be maintained by the parties.

5. In view of the above, this Court finds no infirmity or illegality in the impugned order passed by the second respondent. As such, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. However, the second respondent is directed to reconsider the planning approval subject to the



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result of the order passed by the Hon'ble Supreme Court of India.

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Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary,
The State of Tamilnadu,
Housing and Urban Development Department,
Secretariat, Chennai 600 009, Tamilnadu
2. The Assistant Director/Member Secretary
Mamallapuram Local Planning Authority,
District Town and Country Planning
District Urban Development Office,
D-Block, 4th Floor, District Collector Perunditta Complex,
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