



WEB COPY



W.P.No.3176 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM:

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

W.P.No.3176 of 2017
and W.M.P.Nos.3113 and 3114 of 2017

M/s.Anmol Abhinandhan Association,
represented by its Secretary,
Mr. Sanjeev Anand,

... Petitioner

-Vs-

1. The Secretary to Government
of Tamilnadu,
Housing and Urban Development Authority,
Fort St. George, Chennai 600 009.
2. The Chennai Metropolitan Development Authority,
represented by Member Secretary,
No.1, Gandhi Erwin Road,
Egmore, Chennai 600 008.
3. The Commissioner,
Chennai City Municipal Corporation,
Rippon Building, Chennai 600 009.
4. Joint Commissioner,
Office of Corporation,
L.B.Road, Adyar, Chennai 600 020.
5. M/s. Anmol Housing Corporation,
Partnership Firm,
represented by its Managing Partner,
Mr.Alok Kumar Gulecha



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6. M/s.Chennai Integrated Construction Company P.Ltd.,
represented by Managing Director,
K.Rajanderan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing respondent 1 to 4 from considering and sanctioning any additional construction in the existing structure of the petitioner associations building in survey Nos.714/1(part), 714/2, 714/3, 714/4, 714/5, part T.S.No.29,30,31,32 and 33, 40 and 41 Block No.238 of Velachery Village, Mambalam Guindy Taluk, Chennai District or reclassifying the land and building belonging to the members of the petitioner association with any adjacent vacant land or any other property belonging to Respondent 5 herein and others and grant any planning or building permission to Respondent 5 herein without the knowledge and individual consent of the members of the petitioner association.

For Petitioner	: Mr.S.Sundaresan
For R1	: Mr.V.Manoharan Additional Government Pleader
For R3 and R4	: Mr.P.T.Rama Devi Standing counsel

ORDER

This writ petition has been filed forbearing the respondents 1 to 4 from considering and sanctioning any additional construction in the existing structure of the petitioner associations building in survey Nos.714/1(part), 714/2, 714/3, 714/4, 714/5, part T.S.No.29,30,31,32 and 33, 40 and 41 Block No.238 of Velachery Village, Mambalam Guindy Taluk, Chennai District or reclassifying the land and building belonging to the members of the petitioner association



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with any adjacent vacant land or any other property belonging to Respondent 5 herein and others and grant any planning or building permission to Respondent 5 herein without the knowledge and individual consent of the members of the petitioner association.

2. Heard and perused the materials available on record.

3. Pending writ petition, the second respondent filed counter and it revealed that an application was received from the fifth respondent dated 20.06.2017 for planning permission to regularize the existing Block – I of the residential building with 80 dwelling units and for additional construction of Block-II consisting of Stilt floor + first floor parking + 2nd to 19th floor for residential purpose with 180 dwelling units.

4. Since there was objections raised by the petitioner with regard to ownership of the said land, the application submitted by the fifth respondent was returned on 17.11.2020. However, if the fifth respondent re-presented the application for planning permission, the second respondent is directed to issue notice to the petitioner and the 5th and 6th respondents herein, conduct enquiry and after giving an opportunity of hearing to them, pass orders on merits and in



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accordance with law. The second respondent is directed not to grant any planning permission for the subject property in favour of the 5th respondent, till then.

5. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

19.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To



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