



WEB COPY



W.P.No.30313 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.30313 of 2024 and W.M.P. No.33002 of 2024

Essani Chordia

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Poonamallee High Road,
Chennai - 600 003.
2. The Assistant Engineer,
Bridge Department,
Rippon Building, 4th Floor,
Chennai - 600 003.
3. The Revenue Divisional Officer/
The Land Acquisition Officer,
North Chennai Revenue District,
Tondiarpet,
Chennai - 600 081.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to lay the bridge ramp portion in straight way from the ending point of the bridge which was already constructed across the Puzhal Surplus Water Canal in



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Vadaperumbakkam flowing into the vacant land in Survey No.229 of Puzhal Village upto the road approach and thereby to avoid the removal of the petitioner's petrol bunk situated in Survey No.231/13, Plot No.21, Vadaperumbakkam, Puzhal Village, Madhavaram Taluk, Thiruvallur District.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.D.B.R.Prabu,
Standing Counsel for R1 & R2

Mr.P.Gurunathan,
Additional Government Pleader
for R3

ORDER

The petitioner herein had already filed W.P. No.10411 of 2022 before this Court, challenging the order dated 11.04.2022, passed by the Executive Engineer, Greater Chennai Corporation, the second respondent therein, revoking the planning permission and building permit dated 23.03.2020 as per the provisions of Section 54 of the Tamil Nadu Town and Country Planning Act, 1971 and Section 365(4) of the Chennai City Municipal Corporation Act, 1919.

2.This Court by an order dated 09.08.2024 passed the following order:



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'8. Infact, this Court specifically directed the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the property in question without any due process of law, and the respondents were given liberty to initiate acquisition proceedings in respect of the subject property. Without following any of these directions, on the contrary, the petitioner was served with a show cause notice to cancel the planning permission and building permit dated 23.03.2020 granted by the first respondent for petrol bunk. It was not served on the petitioner and it was affixed in the premise of the petitioner. Therefore, the impugned order passed by the second respondent without following due process of law is not sustainable in law and accordingly, it is quashed.

9. For the reasons stated above, the writ petition is allowed and the respondents are at liberty to acquire the land in question either by issuing notice under Section 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or by private negotiation, within a period of two weeks from the date of receipt of a copy of this order.'

3. Now, as directed by this Court, the respondents are in progress of



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acquisition of subject land. However, without even completion of the acquisition proceedings, the petitioner now filed this writ petition to direct the respondents herein to lay the bridge ramp portion in straight way from the ending point of the bridge, which was already constructed across the Puzhal Surplus Water Canal in Vadaperumbakkam, flowing into the vacant land in Survey No.229 of Puzhal Village upto the road approach and thereby to avoid the removal of the petitioner's petrol bunk, situated in Survey No.231/13, Plot No.21, Vadaperumbakkam, Puzhal Village, Madhavaram Taluk, Thiruvallur District.

4.Since the direction sought for in this writ petition cannot be considered by this Court, the respondents are directed to follow the directions of this Court dated 09.08.2024 in W.P. No.10411 of 2022.

5.Accordingly, this writ petition is disposed of. No Costs. Consequently, connected W.M.P. is closed.

18.10.2024

Index : Yes/No
Speaking Order : Yes / No



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Neutral Citation Case: Yes / No
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To

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G.K. ILANTHIRAIYAN. J.,

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