



WEB COPY



W.P. No. 32974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 32974 of 2023
and
W.M.P. Nos. 32647 and 34956 of 2023**

G. Chittibabu

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
 2. The Zonal Officer,
Zone-II, Greater Chennai Corporation,
Manali, Chennai 600 068.
 3. V.Vimala
 4. Deepa Real Estate and Construction,
Rep. by its Proprietor Mr.S.Murugesan,
No.10/95, Chandrasekar Nagar,
Manali Road, Kodungaiyur,
Chennai 600 118.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to cancel the plan permit given by him in Lr.No.Spe.WDC No.3/00572/22 dated



W.P. No. 32974 of 2023

17.08.2022 measuring an extent of 6099 Sq. Ft. in Survey No.8/3B of Chinnasekkadu Village of Zone-II, Chennai Corporation to the land belonging to Third Respondent.

For Petitioner : Mr. R.Dhamodaran

For Respondents : Mrs. P.T. Ramadevi, (for R1 & R2)

Mr.M. Prabhakar, (for R3 & R4)

ORDER

Heard Mr. R.Dhamodaran, Learned Counsel for the Petitioner, Mrs. P.T. Ramadevi, Learned Counsel appearing for the First and Second Respondents and Mr. M.Prabhakar, Learned Counsel appearing for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to cancel the plan permit in Lr. No. Spe.WDC No.3/00572/22 dated 17.08.2022 granted to the land of the Third Respondent in Survey No. 8/3B, Chinnasekkadu Village of Zone-II, Chennai Corporation.

3. In response, the First and Second Respondents have filed



W.P. No. 32974 of 2023

Counter-Affidavit dated 05.01.2024 stating as follows:-

WEB COPY

"4. I respectfully submit that in the year 2011, the Chennai Corporation has been expanded to 426 sqkm from the earlier 176 sqkm and 42 small local bodies, including 9 municipalities, 8 town panchayats and 25 village panchayats were merged with Greater Chennai Corporation. Further the Chinnasekkadu Town Panchayat was merged with corporation of Chennai vide G.O. Ms. No. 97 MA&WS Department dated 19.07.2011. Thereafter, the administration of Chinnasekkadu Town Panchayat has been taken over by the Greater Chennai Corporation on 30.10.2011.

5. I respectfully submit that in the City of Chennai, planning permission for ordinary buildings i.e., Stilt + 2 floors / Ground + First floor (not exceeding 6 dwelling units in the case of residential buildings, not more than 300 Sq.mts in case of commercial building), are sanctioned by the Executive Engineers of Chennai Corporation as per the delegation of powers given by Member - Secretary Chennai Metropolitan Development Authority. Besides this, a few



W.P. No. 32974 of 2023

WEB COPY

categories of institutional and industrial building, sub-division and layout of land up to certain extent are also sanctioned by Executive Engineers. For other categories of the buildings like Special buildings and Multi-storied buildings the Chennai Metropolitan Development Authority will directly issue the planning permission and forward the approved plan to the Chennai Corporation to consider for issuing Building Permit as per Chennai Municipal Corporation Act, 1919. Further, the Chennai Metropolitan Development Authority (CMDA) vide Proceedings No: 16127/2019-1 dated 24.09.2019 has further delegated powers to the Greater Chennai Corporation and by which the Greater Chennai Corporation is empowered to sanction planning permission either Stilt + 3 floors (or) Ground + 2 floors as against the existing norms of Stilt + 2 floors (or) Ground + 1 floor.

6. *I respectfully submit that the 3rd respondent herein and 3 others have applied for demolition of existing building and further sub-division of vacantland admeasuring 566.55 sq.m*



W.P. No. 32974 of 2023

WEB COPY

(60999 sq.ft) at Survey No. 8/3B1, 8/3B2, 8/3B3, Balaji Palayam, Chinnasekkadu into 7 nos. of plots by enclosing the supporting documents viz., sale deed, patta, encumbrance certificate and earlier plan approved by the erstwhile Chinnasekkadu Town Panchayat in Planning Permit No. 2/2002-03 and B.A. No. 2/2002 dated 17.07.2002 vide Proceeding D.Dis.No. 161 dated 17.07.2002.

7. *I respectfully submit that as per the rules of Tamil Nadu Combined Development and Building Rules - 2019, for subdivision of land within 8 plots, minimum road width shall satisfy as per the Rule 35. Wherein the rule says a minimum road width of 3m is sufficient for development of residential buildings. The land in question for which the subdivision is issued is less than 8 in numbers and road width on the south side is 7.2 m and on the Eastern side it is 3.3m. The plots abutting 3.3m are allowed only for development with Stilt + 2 Floors.*

8. *I respectfully submit that as per the above approval the entire land admeasuring 566.55 sq.m (60999 sq.ft) at Survey*



W.P. No. 32974 of 2023

WEB COPY

No. 8/3B1, 8/3B2, 8/3B3, Balaji Palayam, Chinnasekkadu was sub-divided into 7 plots viz., Plot-A (874 sq.ft) and Plot-B (875 sq.ft.) having access through Perumal Koil Street and Plots-C, D, E, F & G (870 sq.ft. each) having access from the Perumal Koil Lane which is 3.3 m wide, which satisfies the provisions of Rule 35 of Tamil Nadu Combined Development & Building Rules, 2019."

4. That apart, it has been brought to notice that de-occupation Notice No. 02/00044/2023 dated 31.01.2024 has been issued by the Executive Engineer, Zone – 2, Greater Chennai Corporation to the Fourth Respondent and the Petitioner on 31.01.2024 and its copy has been placed on record. In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.



W.P. No. 32974 of 2023

19.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

gsa



W.P. No. 32974 of 2023

To

WEB COPY

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
2. The Zonal Officer,
Zone-II, Greater Chennai Corporation,
Manali, Chennai 600 068.



WEB COPY



W.P. No. 32974 of 2023

P.D. AUDIKESAVALU, J.

gsa

W.P. No. 32974 of 2023

19.03.2024