



WEB COPY



W.P.No.2955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.2955 of 2025

and

Writ Miscellaneous Petition No.3240 of 2025

R.Nagarajan

... Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai 600 003.

2. The Zonal Commissioner Zone-V,
Corporation of Chennai,
1st Block, 5th Street, Anna Nagar West

3. M/s. GK Realators
having office at No.54/53,
Guruvappa Chetty Street,
Chintadripet, Chennai 600 002
represented by its Proprietor Mr.M.Ganesh Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent to cancel the approval granted in (SD/WDCN08/00748/2024) Dated 19.10.2024, as mentioned



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in page No.20 Sale Deed No.5804 of 2024, dated 30.10.2024 thereby take punitive action against the 3rd respondent for misrepresentation and fraud.

For Petitioner : Mr.T.SriKrishna Bhagavat

For RR1 & 2 : Mrs.Aswinin Devi.K
Standing Counsel

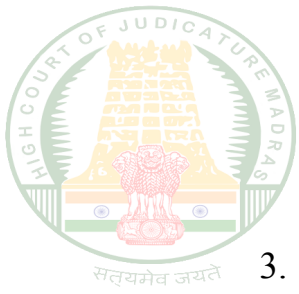
For R3 : Ms.B.Kavya

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the first respondent to cancel the approval granted in (SD/WDCN08/00748/2024) Dated 19.10.2024, as mentioned in page No.20 Sale Deed No.5804 of 2024, dated 30.10.2024 thereby take punitive action against the 3rd respondent for misrepresentation and fraud.

2. The learned counsel for the petitioner would submit that he purchased the subject property and the third respondent is causing obstruction and attempting to sell the common pathway. Therefore, the petitioner submitted an application for cancellation of approval. The petitioner states that by committing fraud, the approval has been obtained.



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3. The learned counsel for the third respondent would oppose by stating that the petitioner is having pathway on the other side. The dispute relates to private pathway and a civil suit in O.S.No.487 of 2025 is pending on the file of the learned 23rd Assistant City Civil Court, Chennai.

4. All such disputes of civil nature are to be adjudicated before the competent civil Court. This Court decide the disputed issues between the parties. However, the approval is to be granted by the competent authority in accordance with law. The competent authority of the Greater Chennai Corporation has to conduct inspection. If any such dispute exists, then, the approval granted are also to be verified. In the event of any violation, unauthorized constructions, deviations, etc., then, actions are to be initiated by following the procedures.

5. Rule 13 of the Tamil Nadu Combined Development and Building Rules, 2019 stipulates that “The planning permission or building permit if secured by any person by any misrepresentation or by production of false documents, such planning permission or building permit will be cancelled after issuing a show cause notice.”

6. In the event of any complaint relating to fraudulent or bogus building



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plan permission, the authorities have to conduct an inquiry by affording opportunity to the parties and all further actions ought to be initiated to cancel the building plan permission, if it is established that the permission is bogus or fraudulent.

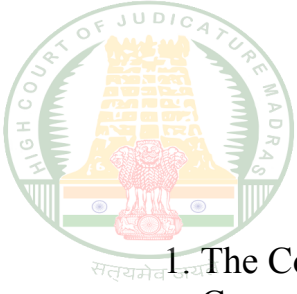
7. In view of the facts and circumstances, the 2nd respondent is directed to conduct field inspection and inquiry, in order to verify the correctness and genuinity of the building plan approval granted to the 3rd respondent and initiate all appropriate further actions if required within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition also stands closed.

(S.M.S., J.) (K.R.S., J.)
10.03.2025

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Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No

To



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