



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.4984 of 2024

B.Venkatarathnam
S/o.Late Buddhavarapu,
At 652 Mount Gravatt - Capalaba Road,
Wishart-1122 Queensland, Australia
Duly represented by his Power of Attorney
Ms.Hridaya Lakshmi Buddhavarapu,
D/o.B.Venkatarathnam
of J/15 IIIrd Avenue, Anna Nagar East,
Chennai 600 102.

Petitioner(s)

Vs

1.The Commissioner,
Office of Greater Chennai Corporation,
Ribbon Building, Chennai 600 003.

2.The Executive Engineer,
Town Planning Section Anna Nagar,
36, G.Pull Avenue,
Shenoy Nagar, Chennai 600 040.

3.The Assistant Executive Engineer,
Town Planning Section Anna Nagar,
36 G.Pull Avenue, Shenoy Nagar,
Chennai 600 040.



4.The Tahsildar,
Ayanavaram Taluk,
Chennai District.

5.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai 600 107.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Order in W.D.C.NO.T.P.DA/WDCN08/00704/2023 dated 12.09.2023 passed by the 2nd respondent and quash the same as illegal and consequently directing respondents 2 and 3 to accept the application submitted by the petitioner for demolition of depleted building and pass such further orders.

For Petitioner: Mr.K.Krishna

For Respondents: M/s.P.T.Rama Devi,
R1 to R3
Mrs.R.L.Karthika,
Government Advocate for R4

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in



W.D.C.NO.T.P.DA/WDCN08/00704/2023 dated 12.09.2023 passed by the 2nd

respondent and quash the same as illegal and consequently directing respondents 2 and 3 to accept the application submitted by the petitioner for demolition of the depleted building.

2. The case of the petitioner is that the property was gifted to the petitioner's father by his grandfather vide Doc.No.4310 of 2005, and the petitioner applied for patta on 22.02.2022, but the application remains unprocessed till date. The petitioner's grandfather, who originally acquired it from the Tamil Nadu Housing Board. The property does not have an individual Patta, and the Town Survey Land Register records it under the Government of Tamil Nadu. Due to the dilapidated condition of the building, the petitioner's father applied for demolition approval. However, the Town Planning Zonal Office rejected the application on 12.09.2023, citing the non-submission of a Patta copy, despite the petitioner's prior application for Patta, which remains pending without a response. The Petitioner argues that Patta is not mandatory for demolition application and that the building poses a serious threat to public safety in a busy area. He further submits that only upon visiting the office on



05.12.2023, the petitioner obtained a physical copy of the rejection order.

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3. Learned counsel appearing for the petitioner would contend that the rejection of the demolition is arbitrary and lacks proper reasoning. Despite submitting alternative ownership documents such as the Gift deed, Encumbrance Certificate, Land Survey Records, and photographs of the deteriorated building, the respondent mechanically rejected the application without proper consideration. Since the building is in a high-traffic area, its potential collapse poses an imminent danger to public life. Additionally, the Patta application has been pending with no response, making its requirement unjustified. Hence, the present writ petition is filed.

4. Learned Government Advocate appearing for the 4th respondent would submit that the application of the petitioner dated 22.02.2022 for grant of patta was rejected by the 4th respondent today, 21.03.2025, for the reason that he has not submitted the document of the year 1978, which was obtained from the Housing Board along with the application for patta. She further submits that a fresh application be submitted by the petitioner for grant of patta along with the



said document, the same will be considered by the 4th respondent on merits in accordance with law.

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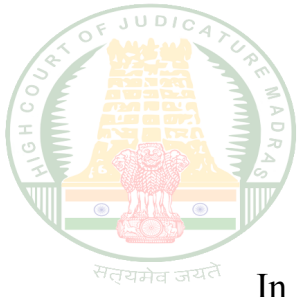
5. Learned standing counsel appearing for the 1st respondent would submit that the application for planning permission was rejected on the ground that the petitioner has not submitted the patta issued in his favour by the concerned authority, namely, the 4th respondent herein.

6. Heard both sides and perused the materials available on record.

7. Without going into the merits of the case, this Court is inclined to pass the following directions:

a) The petitioner is directed to submit a fresh application to the 4th respondent for grant of patta by enclosing the sale deed obtained from the Tamil Nadu Housing Board in 1978 on the file of the SRO, Sembiam, within a period of two weeks from the date of receipt of a copy of this order.

b) On receipt of such application, the 4th respondent shall consider the same on merits, in accordance with law, and issue the patta within a period of three weeks thereof.



J.SATHYA NARAYANA PRASAD J.

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In the result, the writ petition stands disposed of with the above observations and directions. No costs.

21-03-2025

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To

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