



W.P.No.3864 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.3864 of 2020

Mr.C.Dinesh

...Petitioner

-Vs-

- 1.The Principal Secretary to Government,
Chennai Metropolitan Development Authority,
Represented by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Represented by its Chairman,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Commissioner,
Corporation of Greater Chennai Rippon Buildings,
Chennai – 600 003.
- 4.Krishna Builders,
Represented by its Manager,
Dileep Bhandari,
No.34, Nungambakkam Main Road,
Chennai – 600 034.

...Respondents



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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 Mandamus, directing the first respondent to dispose the petitioner representation dated 13.01.2020 in accordance with law and pass such further orders.

For Petitioner	:	Mr.M.Jaikumar for Mr.K.J.Saravanan
For R1 & R2	:	M/s.Veena Suresh Standing Counsel
For R3	:	M/s.K.Ashwinin Devi Standing Counsel

ORDER

This writ petition has been filed to direct the first respondent to dispose of the petitioner's representation dated 13.01.2020.

2. The case of the petitioner is that the petitioner's father purchased a portion of 1800 sq.ft of vacant land out of 7900 Sq.ft from the sons of one Mr.Vijayarangam Mudaliar in the name of the petitioner through document bearing Sale Deed No.489 of 1988 dated 05.04.1988 registered at SRO T.Nagar from the above said persons.



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WEB COPY 3. The grievance of the petitioner is that the fourth respondent obtained planning permission in the name of P.V.Deenadayalan and others on 16.12.1989, stating that one P.V.Deenadayalan and others were the owners of the above said property and developed the above said 6100 Sq.ft land and constructed 23 Flats and sold the said Flats to several individuals.

4. Therefore, the Petitioner gave a representation to respondents 1 to 3 on 13.01.2020 to take appropriate action against the building, namely Krishna Nivas Apartments, for obtaining Plan approval bearing No. Lr.No.C/1763/89 dated 11.08.1989 for the construction of the said building by the fourth respondent, giving wrong information and misrepresentation before first respondent. Due to inaction on behalf of the Respondents 1 to 3, the petitioner has come up with the present Writ Petition.

5. Learned counsel appearing for the petitioner would submit that on 05.04.1988 itself the above said P.V.Deenadayalan and others had sold their property to the extent of 6100 Sq.ft Land in favour of P. Bhandari (Krishna Builders) and remaining portion to the extent of 1800 Sq.ft. in favour of the



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petitioner.

WEB COPY

6. It is submitted that the Krishna Builder, knowing the said fact, had shown the entire 7900 sq.ft as land belonging to P.V.Deenadayalan and others and obtained Plan approval bearing No.Lr.No.C/1763/89 dated 11.08.1989 for the construction of the said building in the name of P.V. Deenadayalan and others by giving wrong information and misrepresentation. As per the specific condition mentioned in the planning permission, it was stated that the "authority reserves the right to revoke the planning permission in the event of a planning permit having been granted based either on wrong information furnished by the applicant or by misrepresentation of the facts or permit having been obtained by any fraudulent manner".

7. It is further submitted that the Petitioner gave a representation to the first to third respondents on 13.01.2020 to take appropriate action against the building, namely, Krishna Nivas Apartments for obtaining Plan approval bearing No.Lr.No.C/1763/89 dated 11.08.1989 for the construction of the said building by the fourth respondent giving wrong information and misrepresentation before the first respondent.



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WEB COPY 8. It is submitted that as per the rules and regulations of authorities, if the planning permission was obtained based either on wrong information furnished by the applicant, misrepresentation of the facts or a permit having been obtained by any fraudulent manner, the authority has the right to take action. However the authorities are remaining silent in respect of the above representation.

9. Learned standing counsel appearing for respondents 1 and 2 would submit that the representation of the petitioner dated 13.01.2020 would be considered on merits, in accordance with law within a time frame stipulated by this Court.

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

11. Without going into the merits of the case, the 1st respondent is directed to consider the representation of the petitioner dated 13.01.2020 after giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested



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parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of eight (8) months from the date of receipt of a copy of this order.

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

21.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

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