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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP NO. 5285 of 2024

S.Joseph Alex Vasantha Kumar
No.1/5, 16th Cross Street, Venkateswara Nagar,
Ramapuram, Chennai-600 089.

Petitioner(s)

Vs

- 1.The Commissioner
Greater Chennai Corporation, Ribbon Building,
Chennai-600 003
2. The Principal Chief Engineer
Town Planning Department, Greater Chennai Corporation, Ribbon
Building, Chennai-600 003.
3. Executive Engineer
Town Planning Department, Greater Chennai Corporation, Ribbon
Building, Chennai-600 003.
4. The Member Secretary
CMDA Thalamuthu Natarajan Building, No.1 Gandhi Irwin Road, Egmore,
Chennai-600 008.
5. The Deputy Planner
Master Plan Division, CMDA, Thalamuthu Natarajan Building, No.1
Gandhi Irwin Road, Egmore, Chennai-600 008.
6. The Managing Director
Tamil Nadu Housing Board, CMDA Complex, E And C Market Road,
Koyambedu, Chennai-600 107

Respondent(s)



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PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 5 to consider the petitioner's regularization application (Regularization Application vide registration no.CMDA/P/0088744/2017 dated 19.02.2021) and issue regularization approval for the Plot bearing no.51 part, Venkateswara Nagar, Survey no.163/2, Ramapuram Village, Maduravoyal Taluk, Chennai District without insisting on production of "No Objection Certificate" from the 6th respondent.

For Petitioner(s): R.Mugunthan

For Respondent(s): E.C.Ramesh, for R1 to 3

C.Manokaran for R4 & 5

A.M.Ravindranath Jayapal, SC for R6

ORDER

This Writ Petition has been filed seeking for issuance of a a Writ of Mandamus, to direct the respondents 1 to 5 to consider the petitioner's regularization application (Regularization Application vide registration no.CMDA/P/0088744/2017 dated 19.02.2021) and issue regularization approval for the Plot bearing no.51 part, Venkateswara Nagar, Survey no.163/2, Ramapuram Village, Maduravoyal Taluk, Chennai District without insisting on production of "No Objection Certificate" from the 6th



respondent.

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2. The case of the petitioner is that he is the absolute owner of the unapproved Plot bearing No.51 part, Venkateswara Nagar, in Survey No. 163/2, Ramapuram Village, Maduravoyal Taluk, Chennai 600 089 which was owned and possessed by one Kuppan, having purchased vide Sale Deed dated 18.03.1987, registered as Doc. No.881 of 1987. Subsequently, by a Deed of Sale dated 31.08.1995, registered as Doc No. 2499 of 1995 and the above said Kuppan sold the same to one Poonambalam and his wife P. Radha.

3. While so, the residents of the Sri Venkateswara Nagar came to their knowledge that the land in Venkateswara Nagar was covered under the acquisition proceedings by TNHB, the 6th respondent herein by virtue of various Government Orders including G.O.MS.No.969 pertaining to the above subject property. Thereafter, the Venkateswara Nagar Welfare Association as well as the owners of the property along with the then owner of the subject property Plot No.51part, Mr.Poonambalam had filed Writ Petitions before this Court to quash the acquisition proceedings in respect of



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the property at Venkateswara Nagar. On 31.12.1991, the said Writ Petitions came to be allowed and quashed the acquisition proceedings by this Court.

4. Aggrieved by the order, the TNHB, the 6th Respondent herein had filed Appeals in Writ Appeal Nos. 615, 617 of 1995 and 619 of 1995 and the said Writ Appeals were also dismissed on 07.07.2001. Since then, there is no any other acquisition proceedings initiated by the Government in respect of land in Venkateswara Nagar, Ramapuram Village including the subject property.

5. Thereafter, the petitioner, on 19.02.2021, applied for regularization of the Plot to CMDA. The 3rd respondent, vide letter dated 26.09.2023 addressed to the 6th respondent herein, requesting to offer remarks on the condition in the letter issued by CMDA that the Local Body has to obtain NOC from TNHB before regularization of individual plots in the layout. The petitioner made a representation dated 25.11.2023 to the respondents herein to consider his application for regularization of his plot. The grievance of the petitioner is that despite receipt of the representation, the



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respondent have not responded to, which prompted the petitioner to approach this Court by way of present Writ Petition.

6.A counter affidavit has been filed by the 6th respondent, wherein, it is stated that the petitioner herein had purchased the property on 23.08.2006 and he is a subsequent purchaser. The 4(1) notification of the subject property was intact. Similar issues were dealt by the subsequent purchasers. Hence, the Government has taken steps and announced to collect the grievances from the public by way of petition box and further the Government has issued order vide G.O.Ms.No. 136, Housing & Urban an Development Department, Dated 10.10.2023 to constitute the Committee to solve grievances collected through the petition box. Now, the Committee has been constituted and analyzing the issues raised by the subsequent purchasers. After the outcome and recommendation of the Committee, the decision will be taken and further remedies may be granted to the petitioner herein.

7. Heard the learned counsel on either side and perused the entire material available on record.



WEB COPY 8. Now since the Committee has been constituted to resolve the grievances raised by the subsequent purchasers, this Court feels it appropriate to direct the Committee to consider the application dated 19.02.2021 submitted by the petitioner.

9. Accordingly, the Committee is directed to consider the application dated 19.02.2021 submitted by the petitioner on merits, in accordance with law, and pass appropriate orders within a period of six months from the date of receipt of a copy of this order.

10. With the above direction, the Writ Petition is disposed of . No costs.

24-03-2025

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To

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J.SATHYA NARAYANA PRASAD, J.

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