



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.27586 of 2013
and MP.No.1 of 2014

A.Augustin

... Petitioner

vs

1.The Commissioner
Pallavaram Municipality
Chrompet,
Chennai – 600 044.

2.M.Velayutham

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus to call for the records of the 1st respondent in Ka.Ma.No.314/13/F1 dated 05.04.2013 and quash the same and consequently direct the 1st respondent to grant the planning permission to the petitioner for construction of residential houses comprised in S.No.324/66 and 326/5 Part and in TS.No.14/3 Ward No.”B” Block No.14, Malaganarthapuram 4th street, Zamin Pallavaram Village, Alandur Taluk, Kancheepuram District, measuring total extent of 1928 sq.ft.

For Petitioner : Mr.S.Gunaseelan



For Respondents : Mr.P.Srinivas for R1.

ORDER

WEB COPY

This writ petition has been filed to call for the records of the 1st respondent in Ka.Ma.No.314/13/F1 dated 05.04.2013 and quash the same and consequently direct the 1st respondent to grant the planning permission to the petitioner for construction of residential houses comprised in S.No.324/66 and 326/5 Part and in TS.No.14/3 Ward No.”B” Block No.14, Malaganarthapuram 4th street, Zamin Pallavaram Village, Alandur Taluk, Kancheepuram District, measuring total extent of 1928 sq.ft.

2. The learned counsel for the petitioner submits that the petitioner is a builder and entered into agreement dated 21.03.2013 with the 2nd respondent applied for planning permission and construction of residential houses. The aforesaid application was returned by the first respondent on 05.04.2013 stating that the suit is pending.

3. The learned standing counsel appearing for the first respondent would submit that during the pendency of the application before the first respondent, the second respondent filed a partition suit in OS.No.32 of 2013



before the District Court, Chengalpattu. Hence, the first respondent is not in a position to consider the request of the petitioner for granting planning permission for construction. The said application was returned to the petitioner. It is also brought to the knowledge of this Court that the partition suit is still pending before the trial Court.

4. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and perused the materials available on record.

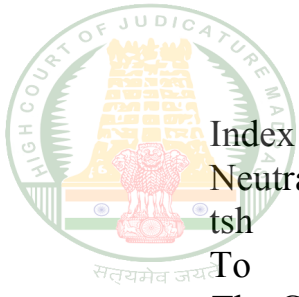
5. Considering the fact that the partition suit is still pending between the parties, the first respondent has rightly rejected the request of the petitioner for granting planning permission stating that the suit is pending between the parties.

6. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

Speaking order / Non-speaking order

3/5



W.P.No.27586 of 20



Index : Yes / No

Neutral Citation : Yes / No

tsh

To

The Commissioner

Pallavaram Municipality

Chrompet,

Chennai – 600 044.



WEB COPY

W.P.No.27586 of 2013



J. SATHYA NARAYANA PRASAD, J.

tsh

W.P.No.27586 of 2013

21.02.2025