



W.P.No.31300 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N. MALA

W.P.No.31300 of 2025

S. Pinnie

... Petitioner

Vs.

1. Regional Deputy Commissioner,
Greater Chennai Corporation,
Zone-13, No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai 600 020.

2. The Assistant Executive Engineer,
Unit - 38, Zone - 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

3. Bharathi Choudhury

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus to direct the 1st respondent to consider the representation dated 01.08.2025 and consequently accept and process the revised plan with respect to the property bearing No.30/34, Asthalakshmi Garden, 1st Street, Besant Nagar, Thiruvanmiyur, Chennai 600 090.



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For Petitioner : Mr.K.Sivasubramanian

For Respondents : Mr.E.C.Ramesh
Standing Counsel for R1 & R2

ORDER

This writ petition is filed for a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 01.08.2025 and consequently accept and process the revised plan with respect to the property bearing No.30/34, Asthalakshmi Garden, 1st Street, Besant Nagar, Thiruvanmiyur, Chennai 600 090.

2. With the consent of both side counsels the main writ petition is taken up for final disposal. Since no adverse order is passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. The petitioner purchased the property Tamil Nadu Housing Board Row House bearing No.30/34, Ashtalakshmi Garden, 1st street, Besant nagar, Thiruvanmiyur, Chennai 600 090 in the year 2021. The petitioner states that since the date of purchase by the petitioner, the 3rd respondent has been



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obstructing the petitioner's construction plans by various ways. The petitioner states that despite obtaining a demolition and construction order from the 1st respondent, the petitioner was prevented by the 3rd respondent from proceeding with construction. Meanwhile, the petitioner on 21.10.2021 obtained building plan approval. Thereafter, the petitioner commenced construction. However, owing to a technical error in the approved plan in that the set back was shown on the north side instead of south side, the petitioner approached the Corporation for a revised plan. The respondent Corporation however insisted upon the production of a No Objection Certificate (NOC) from the neighbouring owners, which is contrary to TNCDBR Rules 28, 29 and Rule 4(4). The petitioner states that though many attempts were made to obtain a revised plan, the online application filed for the purpose was not accepted due to non production of NOC of the neighbouring owners. The petitioner therefore submitted a representation on 01.08.2025, seeking permission for submission of the revised plan. Since there was no response, the petitioner filed the above writ petition for the aforesaid relief.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in the writ petition, this Court is of the view that it would suffice if a direction is issued to the first respondent to consider the petitioner's representation. Accordingly, this Court directs the first respondent, to consider the petitioner's representation dated 01.08.2025, afford an opportunity of personal hearing both to the petitioner and as well as to the 3rd respondent and thereafter pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

18.08.2024

dpq

Index : Yes /No

Speaking Order : Yes/No



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To

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2. The Assistant Executive Engineer,
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N. MALA, J.

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