



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 28540 of 2016

and

WMP No. 24648 of 2016

1. Mr.G.Prabhakaran (DECEASED)
2. Punitha Prabhakaran,
(P2-substituted as Lrs of deceased P1, as per
order date 21.03.2025 in WMP.11022/2024 in
WP.28540/2016 by JSNPJ)

..Petitioner(s)

Vs

1. The Commissioner
Corporation of Chennai,
Rippon Building, Chennai-600 003.
2. The Regional Deputy Commissioner,
Corporation of Chennai,
Zone 10, Division 127,
NO.36 G, Pulla Avenue,
Shenoy Nagar, Chennai-600 030
3. The Superintend Engineer,
Zone-10, Division 127,
Town Planning Approval Section,
No.36G, Pulla Avenue,
Shenoy Nagar, Chennai-600 030
4. Premier Grihalakshmi Apartments
Owners Association-Virugambakkam,
Registration No. 79/2000, Elango Nagar South ,
Virugambakam, Chennai - 600 092,
Represented by its Secretary,
Mr. J. Muthukumarasamy.
(R4-impleaded as per order dated 21.03.2025
in WMP.7854/2023 in WP.28540/2016 by



JSNPJ)

5. Premier Grihalakshmi Model
ASSOCIATION - EFGH, BLOCK,
Registration No.68/2013,
Elango Nagar South ,
Virugambakam, Chennai - 600 092,
Represented by its Secretary, M/s.
S.Nagammai,
(R5-impleaded as per order dated 21.03.2025
in WMP.7857/2023 in WP.28540/2016 by
JSNPJ)
6. Manju Sitaramulu,
(R6-impleaded as per order dated 21.03.2025 in
WMP.7860/2023 in WP.28540/2016 by JSNPJ)
7. S.Uma,
(R7-impleaded as per order dated 21.03.2025 in
WMP.7862/2023 in WP.28540/2016 by JSNPJ)

..Respondent(s)

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records culminating in the 2nd respondents order Ref. No. RDC (C)/ C. No./3998/ 2015 dated 7.4.2016, quash the same and consequently direct the 2nd respondent to forthwith approve the petitioners application WDC No. PPA/ WDCN10/ 03998/ 2014 dated 18.06.2014 and to issue planning permission for construction of a residential building in and over the property bearing Plot No.125 comprised in S. No. 140/1 part, Elango Nagar (South), Virugambakkam Village, Mambalam-Guindy Taluk.

For Petitioner(s): M/s.B.Harikrishnan

For Respondent(s): M/s. P.T. Ramadevi, SC for R1 to R3
M/s.A.R.Ramanathan for R4 to R7



ORDER

WEB COPY This is a classic case where the respondent corporation has been recalcitrant and has been sticking to its stand despite consistent interference with the previous orders passed by this Court.

2.The petitioner had purchased a land to an extent of 915 sq.ft. comprised in survey no. 140/1part of Virugambakkam Village, Chennai, by way of a registered sale deed dated 16.10.1996. The purchase was made by him from one Mr.S.Jawahar. The said Mr.S.Jawahar is said to have purchased the property from the previous owners, namely, Tmt.T.P.Muthulakshmi and Shri. P.K.Muthramalingam by way of registered sale deed, in document No.2529 of 1964 dated 27.06.1964. The petitioner has produced the patta, which has been issued in his favour on 15.07.1997 by the Tahsildar Mambalam-Guindy Taluk, Chennai. A perusal of the patta shows that after the measurement of the property, a patta had been issued together with a plan. Apart from the patta, other subordinate revenue receipts have also been issued in favour of the petitioner.

3.On account of a dispute between the petitioner and the Corporation of Chennai, the petitioner filed a suit in O.S. No.5723 of 2006 on the file of the III Assistant City Civil Court, Chennai. The learned III Assistant City Civil Judge



dismissed the suit on 08.01.2008. Aggrieved by the said decree, the writ petitioner preferred a regular appeal in A.S. No.501 of 2008, on to the file of the learned III Additional Judge, City Civil Court, Chennai. After hearing both sides, the learned III Additional Judge was pleased to allow the appeal and the suit was decreed as prayed. Decree was passed on 31.03.2009.

4.The petitioner had filed an application for the grant of building permission for Plot Nos. 124 and 125. The same was not disposed of, forcing him to file W.P. No. 8811 of 2010. This Court, by an order dated 28.04.2010, ordered the respondents to look into the petitioner's application for building permission and pass orders within a period of six weeks from the date of receipt of the said order. The respondents rejected the application filed by the petitioner on 19.03.2011. Challenging this rejection, the petitioner was constrained to approach this Court again in W.P. No. 10903 of 2011.

5.A stand was taken by the Corporation that Plot No. 124 is a public road and that the layout plan does not include Survey Nos. 140/2 and 133/part, which is the subject matter of purchase by the petitioner. This Court, relying upon the judgment and decree in the Civil Court, allowed the writ petition and gave a direction to the respondent to issue a planning permit for the construction of a building on Plot No. 124.



6. Aggrieved by the said order, the Corporation preferred an appeal to the First Bench of this Court. The appeal was in W.A. No. 436 of 2012. By an order dated 09.03.2012, this Court confirmed the order passed by the learned Single Judge in W.P. No. 10903 of 2011. Even after the dismissal of the appeal, the Corporation, not surprisingly, did not process the application. This constrained the writ petitioner to move a contempt petition, Cont.P.No.308 of 2012. It was only after the orders were passed in the contempt proceedings that the plan for Plot No. 124 was approved.

7. While this should have concluded the litigation, the insatiable appetite that the Corporation seems to be suffering from for litigation continued. The petitioner filed an application for the grant of building permission on 07.05.2014 for Plot No. 125. This application, too, was not considered by the Corporation.

8. Yet again, the petitioner filed W.P. No.33470 of 2014 seeking a Mandamus for grant of building permission. This writ petition came to be ordered by this Court on 06.02.2015. On the strength of the order, the petitioner made several representations calling upon the Corporation to perform the duty mandated by this Court in the aforesaid writ petition.



9. Finally, when the threat of contempt was made out by way of a notice dated 16.03.2015, the Corporation awoke from its slumber and passed an order stating that Plot No. 125 is also a public road. It is pertinent to point out that in the very order that was passed on 20.04.2015, the Regional Deputy Commissioner, Corporation of Chennai-30, had referred to another proceedings in O.S. No. 3100 of 2000 as well as A.S. No. 98 of 2008 to hold that Survey No. 140/2 is a public road. The Regional Commissioner seems to have taken on himself the task of comparing the sale deeds of adjacent properties to conclude that as the sale deeds of adjacent properties showed Plot No. 125 as a public road, building permission cannot be granted.

10. The petitioner, yet again, approached this Court by way of a writ petition, W.P. No. 15792 of 2015. In the said proceedings, it was specifically urged by the learned counsel who appeared for the Corporation that Plot No. 125 is a road as per the layout plan which had been approved in the year 1963 under layout approval No. LPDM/DTP 72/1963. This Court rejected the argument and held that in light of the decree passed in A.S. No. 501 of 2008 dated 31.03.2009, the plea of the Corporation is untenable. Consequently, the Court had quashed the proceedings, allowed the writ petition, and issued the following direction:

“11. In the light of the above reasoning, the Writ



Petition is allowed and the impugned order is quashed and the second respondent is directed to issue planning permission to the petitioner for putting up construction in Plot No.125 if the application is otherwise in order. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No Costs.”

11.After the writ petition was ordered, the Corporation called upon the petitioner to produce the Town Survey Land Register (TSLR) patta in the name of the writ petitioner and also to furnish a copy of the approved layout / subdivision plan for Plot No. 125, issued by the competent authorities and duly attested by concerned officials. The petitioner sent repeated responses to this request of the Corporation, pointing out that the Corporation was acting in contempt of the orders of the Court.

12.Finally, the impugned order came to be passed on 07.04.2016, wherein the Corporation has pointed out that as a patta has not been given to the petitioner and since the documents sought for by it from the Town planning authority were not produced, the application stands rejected. Hence, the petitioner is back before this Court by way of the present writ petition. This Court entertained the writ petition and directed the respondents to file a counter.



13. Unfortunately, pending the litigation, the original petitioner passed away, and his wife has been brought on record as the second petitioner.

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14. The Executive Engineer, Zone 10, Greater Chennai Corporation, has filed a counter which does not refer to any of the proceedings before the Civil Court, but has maintained the stand that was taken before the Single Bench (the Hon'ble Mr. Justice S. Rajeswaran) and before the Division Bench (of Hon'ble the Chief Justice Mr. Justice M.Y. Eqbal and Mr. Justice T.S. Sivagnanam, as their Lordships then were) namely, that Plot No. 125 is not available in the original layout plan. The counter also relies upon Section 240 of the Chennai City Municipal Corporation Act to plead that it was on the basis of the said Section that the application filed by the petitioner came to be rejected.

15. The Executive Engineer filed an Additional Counter on 19.02.2023. In the said counter, after extracting the demand for a patta and the approved layout/sub-division plan that has been made out in its proceedings on 18.02.2016, a very curious stand was taken, saying that a decree for permanent injunction is not maintainable without seeking a decree of declaration of title. It is further pleaded that as Plot No. 125 is maintained as a road and used by the general public, planning permission cannot be granted to the writ petitioner.

16. Rejecting these pleas, the newly impleaded petitioner, namely the wife



of the original writ petitioner, has filed a detailed counter narrating all the previous proceedings set forth above. To support the stand of the respondent, an association under the name and style of Premier Grihalakshmi Apartments Owners Association, and two other persons claiming to be residents of the said area, got themselves impleaded to these writ proceedings.

17.It is the plea of Respondents 4 to 7 that the layout which had been approved in the year 1963, does not contain Plot No. 125. In addition, they have produced sale deeds dated 25.01.1969 and 01.04.1978 to urge that these sale deeds indicate that Plot No. 125, over which the petitioner claims a right, had not been shown as a private property but as a 30-foot road.

18.Apart from the construction agreements and sale deeds entered inter se between a third private party and M/s. Premier Housing and Industrial Enterprises Limited, a patta dated 01.01.2015 has been produced to show that Survey No. 140/1A (part) has been classified as Sarkar Poramboke. Photographs have been annexed to show that Plot No. 125 has been shown as an access for the Premier Grihalakshmi Apartments. The Respondents 4 to 7 are merely echoing the words of Respondents 1 to 3 by producing the very same set of documents which has been relied upon by the Corporation.

19.I heard Mr.B.Harikrishnan, for the writ petitioner Mrs.PT Ramadevi,



appearing for the respondents 1 to 3 and Mr.Ar.Ramanathan, for the newly impleaded parties.

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20.After taking me through the orders passed by this Court on earlier occasions, Mr. B. Harikrishnan urges that the impugned order in the present writ petition cannot stand a moment's scrutiny. According to him, the issue has been concluded by a decree of the Civil Court and by previous orders passed by this Court. He points out that the impugned order in this writ petition, for all practical purposes, is a reiteration of the order quashed by this Court in W.P. No. 15792 of 2015.

21.Ms. P.T. Ramadevi and Mr.Ar.Ramanathan urge that the decree obtained by the writ petitioner is one for a bare injunction and hence no reliance can be placed upon the same by this Court. Mr.Ar.Ramanathan adds that the documents on the basis of which the petitioner claims title are fabricated and cannot be relied upon for any purpose. He states that the previous orders of this Court cannot be relied upon since the fabrication was not brought to the notice of the Court while they were being disposed of.

22.He relies upon the judgments of the Supreme Court in the case of ***S.P. Chengalvaraya Naidu v. Jagannath and others [(1994) 1 SCC 1]*** and ***A.V. Papayya Sastry and others v. Govt. of A.P. and others [(2007) 4 SCC 221]*** to



urge that fraud vitiates all acts and that since the petitioner is guilty of fraud and having projected a fabricated document, his case deserves to be thrown out of the nearest window.

23.I have carefully considered the submissions of both sides and have gone through the records.

24.The narration of facts, goes to show that the petitioner has repeatedly approached this Court, first for Plot No. 124 and, once that litigation was over, on account of reopening the very same issue, for Plot No. 125 also.

25.If the petitioner had approached this Court directly without having gone before the Civil Court, I would have certainly agreed with Mr.Ar.Ramanathan that the proper remedy for the parties is to approach the jurisdictional Civil Court and after the conclusion thereof, to approach this Court.

26.Fortunately for the writ petitioner, as pointed out above, he had filed a suit, initially lost, but succeeded on appeal. The Corporation of Chennai, which was a party to the said appeal proceeding, did not consider it fit to file a second appeal before this Court. A party to the proceedings, having left a decree attain finality, is not entitled to plead that it will not abide by the decree but continue



to hold on to its original stand that the plot is a public road.

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27. Two things stare the Corporation in the face: the first being Article 261 of the Constitution of India, which calls upon executive authorities to give full faith and credit to judicial proceedings. Once the Civil Court has come to a conclusion that the writ petitioner is the owner of the property and on that basis has granted a decree for injunction, it is the duty of the Corporation to abide by the same. Apart from that fact, the principles of res judicata hold that where a competent Court has decided an issue in favour of one of the parties, the very same issue cannot be re-agitated before any other Court, in the same or subsequent proceedings.

28. The attempt of Respondents 1 to 3 to plead that it is only a decree for injunction and not a decree for title and, therefore, can be ignored, cannot be appreciated, at the least. As pointed out supra, if the Corporation of Chennai felt that the decree passed by the III Additional City Civil Judge was erroneous, it is not for the Corporation officials sitting at their desks to ignore the decree of the Civil Court. The only way in which a decree can be got rid of is by resorting to an appeal. It is not as if Section 100 of the Code of Civil Procedure was not available to the Corporation to avail an appellate remedy. Having kept quiet, having let the decree attain finality, the Corporation officials are duty-bound to implement the decree as it stands.



29. Apart from this, I should point out that the very same plea taken by the Corporation today was taken by it in the earlier rounds of litigation in W.P. No. 10903 of 2011, W.A. No. 436 of 2012, and W.P. No. 15792 of 2015. In all those proceedings, they failed. Therefore, an attempt to resurrect a defence which has been effectively rejected by this Court has to be nipped in the bud.

30. I have extracted the order passed by the Hon'ble Mr. Justice T.S. Sivagnanam to point out that the plea that has been taken by the Corporation today was specifically put before the Honorable Judge and was rejected. That should have concluded the issue once and for all. The plea that a patta has not been given to the petitioner also flies in the face of Patta No. 1340 issued by the Tahsildar, Mambalam-Guindy, on 15.05.1997.

31. It is here that I should take note of the interesting plea raised by Mr. Ar. Ramanathan. He states that the patta produced is not a competent patta. I am not aware, nor has any law been brought to my notice, that a patta which has been issued prior to the computerisation of the revenue records has been nullified. It is always open to the Commissioner of the Corporation to demand the petitioner to produce the original of the patta.

32. Furthermore, I should add that the patta on which Mr. Ar. Ramanathan



placed heavy reliance upon was issued seven (7) years after the decree of the Civil Court on 01.01.2015. If the weight has to be adjudged between a revenue document and a judgment of the Civil Court, it is too well settled that the judgment of the Civil Court takes precedence over the revenue documents issued subsequently. In fact, the revenue authorities ought not to have granted a patta contrary to the judgment, of the Civil Court. We need not travel much into that issue, as the petitioner has been fortified by the judgment of the Civil Court in A.S. No. 501 of 2008 dated 31.03.2009.

33. Another ground which constrains me to interfere is that the order passed by the respondents on 07.04.2016 seems to be a repetition of the order passed by him on 20.04.2015. The principle which I had stated with respect to the judgment and decree in A.S. No. 501 of 2008 dated 31.03.2009 applies to the order of this Court in W.P. No. 15792 of 2015 dated 30.11.2015.

34. If the Regional Commissioner was of the opinion that the order passed by the learned Single Judge was contrary to the records or required to be interfered with, his remedy was to have approached the writ appellate forum. Instead, the Regional Commissioner cannot arrogate to himself the power to ignore an order of this Court and pass an order reiterating the stand earlier taken and interfered with by this Court.



35. In light of the above, the only conclusion that I can arrive at is that the impugned order deserves to be set aside, and that too with exemplary and penal costs. The writ petition is allowed. The impugned order is quashed with a cost of Rs. 1 lakh to be paid by the Regional Deputy Commissioner, Greater Chennai Corporation, Chennai-30.

36. The application for the building permit stands restored to the file of the second respondent. The second respondent shall take into consideration the order passed by the Civil Court in A.S. No. 501 of 2008 dated 31.03.2009 as well as the order passed by this Court in W.P. No. 15792 of 2015 dated 30.11.2015. He shall pass an order on the same within a period of three weeks from today.

37. Consequently, connected miscellaneous petition is closed.

38. After the orders were pronounced, Mr. Ramanathan brought to the notice of this Court that a suit is pending in O.S. No. 481 of 2026 on the file of the XVI Additional City Civil Court, seeking a declaration that the subject matter of this writ petition be declared as a public road.



39. In case any interim order is granted by the learned Judge in O.S. No. 481 of 2026, the second respondent shall defer further proceedings and await the final result of the suit.

03.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN J.

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