
(2011) 03 MAD CK 0104

In the Madras High Court

Case No : Writ Petition No. 7214 of 2011 and M.P. No. 1 of 2011

Mr. R. Anban and Mrs. Yamuna Bai Anban

APPELLANT

Vs

Chennai Metropolitan Development Authority, Corporation of
Chennai and The Tamil Nadu Housing Board

RESPONDENT

Date of Decision : 29-03-2011

Acts Referred:

Citation : (2011) 03 MAD CK 0104

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : A.C. Kumaragurubaran, for the Appellant; C. Kathiravan, for R1, V. Bharathidasan, for R2 and A. Vijayakumar, for R3, for the Respondent

Final Decision : Dismissed

Judgement

R. Sudhakar, J.—Writ Petition is filed praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 to entertain, consider and

grant approval to the demolition plan, planning permission, building permit for developing the land at Flat Nos. 1 to 4, Old Door No. 39, New

Door No. 59, Plot No. 59, Block No. 39, Vaigai Colony, 11th Avenue, Ashok Nagar, Chennai-600 083, Block No. 71 of Kodambakkam

Village, Mambalam Guindy Taluk, Chennai in Survey No. 14, about 3 Grounds and 605 Square Feet for putting up a residential building without

insisting upon the No Objection Certificate from the third Respondent or any other Authority, so long as the proposed new construction activities is

in accordance with the Development Control Rules.

2. Mr. C. Kathiravan, learned Counsel takes notice on behalf of the first Respondent; Mr. V. Bharathidasan, learned Counsel takes notice on

behalf of the second Respondent and Mr. A. Vijayakumar, learned Counsel takes

notice on behalf of the third Respondent. By consent, the writ petition is taken up for final disposal.

3. Petitioners are subsequent purchasers from the original allottees of flat of Tamil Nadu Housing Board. An Orientation Sketch has been issued in favour of the Petitioners on 11.1.2010 by the Executive Engineer, K.K. Nagar Division, Tamil Nadu Housing Board. Based on this, Petitioners claim that they should be given the benefit of approval for demolition plan, planning permission and building permit without insisting no objection certificate from the Housing Board.

4. Considering the similar issue, this Court by order dated 18.1.2011 in W.P. No. 670 of 2011 passed the following order:

6. Since the property in question undisputedly has been sold to the individual allottees by way of proper sale deeds, the Tamil Nadu Housing Board can have no right over the property and therefore, the question of issuing no objection certificate does not arise.

7. In view of the above, the first Respondent is directed to proceed with the application submitted by the Petitioners without insisting no objecting certificate from the third Respondent Tamil Nadu Housing Board subject to condition that the property will be developed only for residential purpose. The Petitioners, however, are directed to submit the individual sale deeds of all the land owners to the competent authority to get planning permission. The Writ Petition is ordered as above. No costs.

5. In view of the order passed in W.P. No. 670 of 2011, the first Respondent is directed to proceed with the application submitted by the

Petitioners without insisting no objecting certificate from the third Respondent Tamil Nadu Housing Board subject to condition that the property will be developed only for residential purpose. The Petitioners, however, are directed to submit the individual sale deeds of all the land owners and other relevant documents to the competent authority to get planning permission expeditiously.

6. The Writ Petition is ordered as above. No costs. Consequently, connected miscellaneous petition is closed.