

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 6-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.22040 of 2014

and

M.P.No.1 of 2014

Lakshmi Nagar Residents Welfare
Association
Rep. By President
No.2, Lakshmi Nagar
Nemilicherry Post
Thirunindravur 602 024 .. Petitioner

vs

- 1.State of Tamil Nadu
Rep. By Secretary to Government
Transport Department
Secretariat, Fort St. George
Chennai 600 009
- 2.Chennai Metropolitan Development
Authority
Rep. By its Member Secretary
No.8, Gandhi Irwin Road
Egmore, Chennai 600 008
- 3.The Special Tahsildar
Land Acquisition
(Outer Ring Road)
Koyambedu
Chennai 600 092
(R3 impleaded as per order
dated 21.8.2014, in MP No.2/2014) .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose the representations dated 13.5.2014, 20.5.2014 and 27.5.2014 and consequently, directing the respondents to form the Outer Ring Road - Phase II at Nemilicherry and Thirunindravur Villages as per the original alignment produced before the Division Bench of this Court in W.A.No.603 of 1999 and by complying with the order dated 19.9.2000, passed by the Division Bench in W.A.No.603 of 1999.

For Petitioner : Mr.J.Abishek
for Mr.A.Jenasenan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for RR1 and 3

Mr.A.Kumar for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner-Association would submit that the lands belonging to the members of the association, were sought to be acquired for the purpose of formation of Outer Ring Road - Phase II at Nemmilicherry and Thirunindravur Villages and the members of the association being the residents of Lakshminagar and Lakshmi Nagar Extension in Nemmilicherry and Thirunindravur, would be affected on account of the said project. In this regard, the petitioner-Association made a representation during January, 1997, to the second respondent seeking diversion of the route so as to alter the alignment on the eastern side utilising the vacant land at TVS Nagar and also the lands belonging to the Government. During the year 1997, the Consultants of Consultancy Limited filed a report stating that the original alignment is in a straight reach and the alternate alignment as suggested by the land owners, would require modification of the route on the eastern side and if it is implemented, two additional curves have to be made and that revising the alignment on the western side is not feasible as the High Tension Power Line runs closer along with the alignment. Citing the said reason, the second respondent has rejected the request made by the petitioner-Association and challenging the same, they filed W.P.No.2000 of 1998 praying for the alignment of the Outer Ring Road towards east from the existing alignment at Thirunindravur and Nemilicherry village. The said writ petition was allowed vide order dated 20.11.1998, and aggrieved by the same, the second respondent/CMDA filed an appeal in W.A.No.603/1999, which came to be allowed on 19.9.2000, and thereby, the writ petition filed by the petitioner-Association, was dismissed. The petitioner-Association also filed a review application in Review Application No.20/2001, to review the order passed in the writ appeal, and it was also dismissed on 31.7.2001. Thereafter, the petitioner-Association submitted a representation dated 13.5.2014, requesting the respondents herein to form the road on original alignment as per the above said Court orders. The petitioner-Association submitted one more representation dated 20.5.2014, pointing out that the present alignment is in variance with the stand taken by the respondents herein in the writ petition as well as in the writ appeal, and therefore, once again, made a request to form the road on original alignment as per the above said Court orders and it was also followed by a reminder dated 27.5.2014.

3.The learned Counsel appearing for the petitioner, would submit that the respondents, more particularly the second respondent, is deviating from the stand taken in the writ petition as well as in the writ appeal and they sought to deviate from the original plan without putting the petitioner-Association on notice and in the event of a new alignment being made, more houses belonging to the members of the petitioner-Association, would face demolition and hence, prays for appropriate orders.

4.The Court heard the submission of Mr.R.Vijayakumar, learned Additional Government Pleader, appearing for the respondents 1 and 3, and Mr.A.Kumar, learned Standing Counsel, appearing for the second respondent/CMDA.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, is of the view that it would suffice to direct the second respondent to consider the representations submitted by the petitioner, on merits, within a stipulated time and in the interregnum, the interest of the members of the petitioner-Association has to be protected.

6.This Court, without going into the merits of the representations, directs the second respondent/CMDA to consider and dispose of the representations dated 13.5.2014, 20.5.2014 and 27.5.2014, submitted by the petitioner-Association, on merits and in accordance with law and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner-Association and till such time, shall maintain status-quo, as on today. The writ petition accordingly, stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

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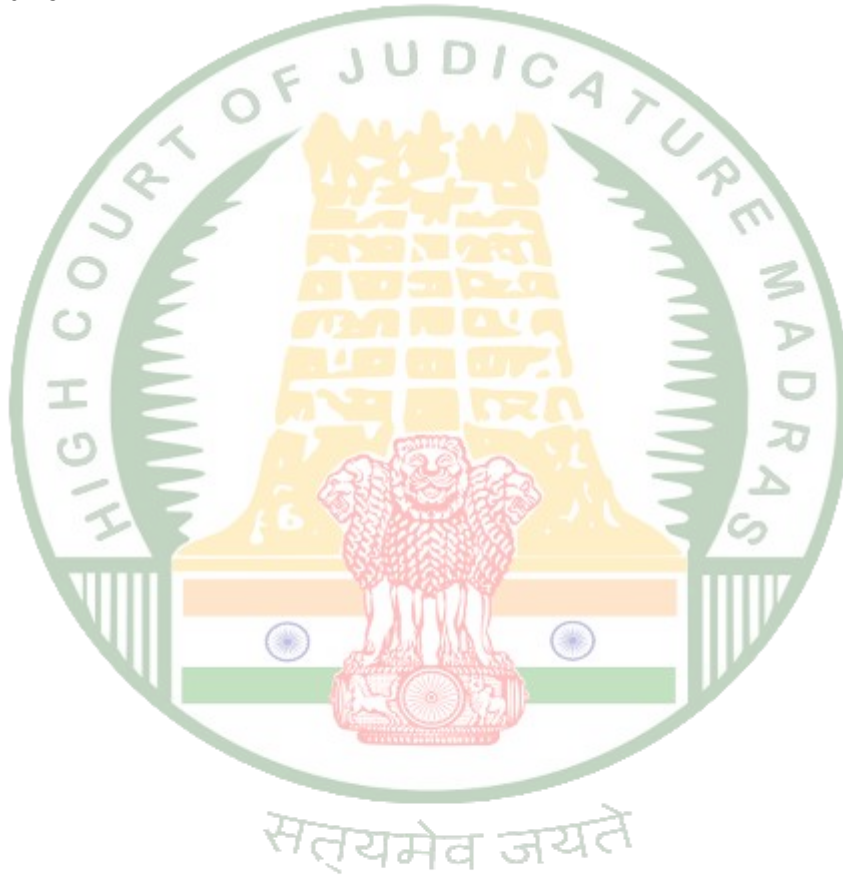
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1 cc to Mr.A.Kumar ,Advocate, SR.No.18953
1 cc to Mr.A.Jenasenan ,Advocate, SR.No.19017

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