

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..08..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. No.20738 of 2013 & M.P.No.1 of 2013

W.P.No.24462 of 2015

&

M.P.Nos.1 and 2 of 2015

T.Srinivasan

...Petitioner in W.P.No.20738 of 2013

Versus

1. The District Collector
Kanchipuram District.
Kanchipuram.

2.The District Revenue Officer
Kanchipuram District.

3.The Executive Officer
Nandhivaram,
Guduvanchery Town Panchayat
Guduvancheri.

4.Mrs.Lakshmiammal

...Respondents W.P.No.20738 of 2013

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to take action against the fourth respondent for illegal construction of buildings over her wetlands comprised in S.Nos.153/2A and 63/1B Guduvancheri Village, Chengalpattu Taluk, Kancheepuram District including the action of demolition based upon the petitioner's representation dated 15.07.2013 to the first and third respondents.

Srinivasan,
S/o. Thiruvankadam,
163 GST Road Guduvanchery
Kancheepuram District

...Petitioner in W.P.No.24462 of 2013

Vs

- 1 The District Collector,
Kancheepuram.
- 2 The Executive Engineer,
Public Works Department,
Kancheepuram.
- 3 The Deputy Director Town Planning,
Chengalpattu.
- 4 The Executive Officer,
Nandhivaram, Guduvancherry Town Panchayat,
Kancheepuram.
- 5 Mahesh,
60 Periyar Ramasamy Street, Guduvancherry
Kancheepuram. ...Respondents W.P.No.24462 of 2013

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in proceedings No. 28281/2013.A1 dt 13.5.2015 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent not to permit conversion of agricultural land for commercial purposes

For Petitioner : Dr.C.Ravichandran

For Respondents : Mr.V.R.Kamalanathan
Additional Government Pleader
for R.1 to R.3

O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

The grievance of the petitioner in this petition is that the wetland comprised in S.Nos.57/2, 65/1A at Guduvancheri Madampakkam Road, Guduvancheri Village, Chengalpattu Taluk, Kancheepuram District, in which the petitioner is cultivating, is affected by the fourth respondent starting new construction of a building in S.Nos.153/2A and 63/1B. The location of the construction is stated to be in front of the land of the petitioner.

2.The petitioner has alleged that the fourth respondent has not obtained necessary permission for conversion of the wetland to housing site under the new development regulations appended to the Tamil Nadu Town and Country Planning Act, 1971, nor any sanction obtained.

3.The petitioner was informed vide letter dated 15.07.2013 of the third respondent that a stop work notice was issued to the fourth respondent. The petitioner however alleges that despite this, construction is being carried on.

4. On our query, learned counsel for the petitioner is not able to state as to what is the current position - whether any construction after filing of the petition was carried on. We may however note that a subsequent W.P.No.24462 of 2015 has been filed by the same petitioner seeking to assail the decision of the Collector for change of land use.

5. In the aforesaid circumstances, it is quite obvious that the original grievance made does not survive, if sanction for conversion has been granted. The validity of that sanction is already assailed in another petition.

6. W.P.No.20738 of 2013 stands closed. Consequently M.P.No.1 of 2013 is also closed. No costs.

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In view of our order passed in the above writ petition, W.P.No.24462 of 2015 and connected miscellaneous petitions be again placed before the learned single Judge on 20.08.2015 along with this order.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ksr

To

1. The District Collector
Kanchipuram District.
Kanchipuram.

2.The District Revenue Officer
Kanchipuram District.

3.The Executive Officer
Nandhivaram,
Guduvanchery Town Panchayat
Guduvancheri.

4.The Executive Engineer,
Public Works Department,
Kancheepuram.

5.The Deputy Director Town Planning,
Chengalpattu.

6.The Section Officer, सत्यमेव जयते
Writ Section,
High Court, Madras.
(To post this case on 20.08.2015)

1 CC to the Government Pleader, SR.No. 43869

W.P. Nos.20738 of 2013
and W.P.No.24462 of 2015

PSI (19.08.2015)