

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14293 of 2016

Deccan Estates Private Ltd.,
Rep. by its Managing Director,
'Deccan Chambers',
No.24, Dr.B.N.Road,
T.Nagar, Chennai-600 017. ... Petitioner

Versus

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.
- 3.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.
- 4.The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondents herein to complete the Road abetting the land in Survey Nos.320/2B1B, 1/C, 1D, 1E, 1F, 1G, 1H and II, 2B3A, 321/1A1, A2, A3, A4, A5, A6 and A7 of Sholinganallur Village and grant planning permission for putting up of 180 dwelling units in the lands of an extent of 2.45 acres in the said Survey Nos. as per PPA received in BSI No.224/15, dated 18.03.2015.

For Petitioner : Mr.M.Kemp raj

For Respondents : Mr.M.Karthikeyan for R1
Standing Counsel

Mr.P.V.Selvakumar for R2
Standing Counsel

Mr.R.Rajeswaran
Special Government Pleader for R3

Mr.V.Anantha Moorthy for R4
Standing Counsel

O R D E R

Heard Mr.M.Kemp raj, learned counsel appearing for the petitioner, Mr.M.Karthikeyan, learned Standing Counsel, accepting notice on behalf of the first respondent, Mr.P.V.Selvakumar, learned Standing Counsel, accepting notice on behalf of the second respondent, Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the third respondent and Mr.V.Anantha Moorthy, learned Standing Counsel, accepting notice on behalf of the fourth respondent. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. The petitioner is a Land Developer, who appears to be the owner of the property in Sholinganallur Village and seeks for a direction to the respondents to complete a road abutting the petitioner's lands.

3. Admittedly, the road has to be formed on a Government land and the petitioner cannot have a vested right to seek for issuance of a Writ of Mandamus to direct the Government to act in a particular manner, so that the value of his property would appreciate. However, from the Communication dated 22.04.2016, sent by the Executive Engineer, (Administrative Officer), Besant Nagar Division, Tamil Nadu Housing Board to the learned Standing Counsel appearing for the fourth respondent-Board, it is seen that already the Tamil Nadu Housing Board has requested the Revenue Department to permit them to develop the existing 7.50 meter wide temporary road and the same is in progress. However, it appears that the road abutting the petitioner's land is not declared as public road at present and falls under C.R.Z-II of Master plan of CMDA. Further, from the Communication sent by the Secretary to the Government, Housing and Urban Development Department, dated 22.12.2014, to the Secretary to

Revenue Department and the Principal Secretary to Government, Public Works Department, the steps are being taken in terms of the proposals submitted by the Tamil Nadu Housing Board.

4. In the light of the above, no further orders are required in the matter except to place all records on the stand taken by the fourth respondent in the aforementioned Communication.

Accordingly, the above Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

3. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur,
Kancheepuram District.

4. The Managing Director,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.

+2 ccs to Government Pleader sr.nos.26306 & 25833

+1 cc to Mr.V.Anandhamoorthy Advocate sr.25723

+1 cc to Mr.M.Kempuraj Advocate sr.25526

+1 cc to Mr.P.V.Selvakumar Advocate sr.25500

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