

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14640 of 2016

Injambakkam VGP Layout Owners Association,
Plot No.48, 2nd Cross Road,
VGP Layout, Injambakkam,
Chennai - 600 041,
rep by its Member A.Franklin Rajesh ... Petitioner

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
- 2.District Revenue Officer,
Land and Estate Department,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
- 3.The Zonal Officer,
Zone No.15, Corporation of Chennai,
Sholinganallur,
Chennai - 600 119.
- 4.The Member - Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 5.Directorate of Town and Country Planning,
807, Anna Salai, Chennai - 600 002.
- 6.The Tahsildar,
Sholinganallur Taluk Office,
No.3, 1st Street, Kumaran Nagar,
Rajiv Gandhi Salai, Chennai - 600 119.
- 7.VGP Housing Pvt Ltd.,
No.6, VGP Square,
Dharmaraja Koil Street,
Saidapet, Chennai - 600 015.

8.The Town Panchayat Office,
Ezhil Nagar,
Sholinganallur,
Chennai - 600 119.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India seeking for a writ of mandamus directing the respondents 1 to 6 & 8 to initiate immediate appropriate action against the 7th respondent so as to ensure that the 7th respondent does not have any control and also prevent the 7th respondent from using in any manner and/or letting out on hire or otherwise use the Community Hall and the land appurtenant thereto compromised in S.No.15/1C situate at Injambakkam Village, Tambaram Taluk, Kancheepuram District, forming part of approved layout bearing Ref No.LDPM/DDTP No.151/1974 granted by the 5th respondent and to direct the 7th respondent to hand over the said Community Hall and the land appurtenant thereto to the petitioner herein for the exclusive and beneficial use of the petitioner Association and its members/owners/ occupants of the plots in the layout in accordance with the proceedings of the 5th respondent bearing Ref.LDPM/DDTP No.151/1974.

For Petitioner : Mr.T.Poornam

For Respondent : Mr.P.V.Selvakumar,
Additional Government Pleader
(R1 to R3)
Mr.M.Karthikeyan (R4)
Mr.R.M.Muthukumar,
Government Advocate (R5 & R6)

O R D E R

Heard Mr.T.Poornam, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader accepting notice on behalf of the respondents 1 to 3, Mr.M.Karthikeyan, learned counsel accepting notice on behalf of the 4th respondent and Mr.R.M.Muthukumar, learned Government Advocate accepting notice on behalf of the respondents 5 & 6. By consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is a residents' Association, which is formed for the welfare of the owners and residents of the approved layout, which is promoted by the 7th respondent. The grievance of the petitioner Association is that in Part-1 of the approved layout, an area has been exclusively earmarked as Community Hall for the exclusive use of the residents of the layout. However, it appears that the promotor viz., the 7th respondent has not handed over the possession of the said area/Community Hall to the residents' Association, but has been

using the same as a Marriage Hall and retaining the same in their control and custody. This, according to the petitioner, is illegal as the petitioner's are entitled to exclusive use of the Community Hal and the further case of the petitioner is that each of them have individually contributed to the cost of the said place since the said area is forming part of an approved layout.

3. Since this Court is disposing of the Writ Petition without notice to the 7th respondent, the merits of the allegations made by the petitioner in the Writ Petition cannot be gone into at this stage. It is needless to state that the Corporation of Chennai has to consider the petitioner's representation and examine as to whether this area has been allotted for a common purpose and what is the type of documentation executed by the 7th respondent and thereafter, take a decision in this matter. While doing so, the petitioner as well as the 7th respondent are required to be heard in person.

4. In the light of the above, there shall be a direction to the 1st respondent to consider the petitioner's representation dated 11.12.2014, after issuing notice to the petitioner and to the 7th respondent, call for the entire records, examine the same and after hearing the parties in person, pass a reasoned order, on merits and in accordance with law. The above direction is to be complied within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order along with the representation and forward the same to the 1st respondent for compliance of the above direction.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

सत्यमेव जयते

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.

2.District Revenue Officer,
Land and Estate Department,
Corporation of Chennai,
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No.3, 1st Street, Kumaran Nagar,
Rajiv Gandhi Salai,
Chennai - 600 119.

+1cc to M/S.T.Poornam, Advocate, S.R.No.24607
+1cc to the Government Pleader, S.R.No.24970

W.P.No.14640 of 2016

rsk(CO)
srg(02/05/2016)

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