

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.6974 and 8493 to 8496 of 2016
and W.M.P.Nos.6190 to 6192 and 7550 to 7561 of 2016

WP.6974 of 2016

M/s.VGP Investments,
Rep. By its Partner,
Mr.V.G.P.Babudas.

... Petitioner

-vs-

- 1.State of Tamilnadu,
Rep. By its Secretary,
Revenue Dept., Secretariat,
Chennai 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Building, Egmore, Chennai 600 008.
- 3.The Deputy Director,
Town and Country Planning,
Chenglepet Zone,
No.13, Dr.Varadharajan Street,
Vedhachalam Nagar, Chenglepet-1.
- 4.The Tahsildar,
Sholinganallur, Chennai 600 119.
- 5.The Revenue Officer cum Assistant
Commissioner, Zone-14,
Corporation of Chennai, Chennai.
- 6.The Chairman,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.

7. Golden Sea View Resident's Welfare
Association, Rep. By its Secretary,
Mr. Krishna Rajendra.

8. The District Collector,
Kancheepuram District,
Kancheepuram.
(Suo motu impleaded as per order
dated 13.06.2016 in WP)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the proceedings of the order dated 09.01.2016 bearing Ref.No.13615/B2/2015 issued by the fourth respondent to the fifth respondent and quash the same and consequently direct the fourth and fifth respondents to construct the compound wall and direct all the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land in the total land measuring 21 grounds 1525sq.ft. in Old S.No.1/1A2A revised S.No.1/634B of Palavakkam Village Sholinganallur Taluk Kancheepuram District.

Sujatha Mouli .. Petitioner in WP.8493/2016
M/s.Madras Carbons Private
Limited, Rep. By its Director,
K.Chandramouli .. Petitioner in WP.8494/2016
V.Ramakrishnan .. Petitioner in WP.8495/2016
V.Venkatakrishnan .. Petitioner in WP.8496/2016

-VS-

1. The State of Tamil Nadu
Rep. by its Secretary Revenue Department
Secretariat Chennai-9.
- 2 The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building Egmore
Chennai-8.
- 3 The Chairman
St. Thomas Mount Panchayat Union
Chitlapakkam Chennai
- 4 The Commissioner of Police
Adithanar Road Chennai-8.

- 5 The Tahsildar
Sholinganallur Chennai-119.
- 6 The Commissioner
Corporation of Chennai Rippon Buildings
Chennai-3.
- 7 M/s.VGP Investments
Rep. by its Partner Mr.Babudas.
- 8 GOLDEN SEA VIEW RESIDENTS
Welfare Association Rep. by its Secretary
Mr.Krishna Rajendra.
- 9 The District Collector,
Kancheepuram District,
Kancheepuram.
(Suo motu impleaded as per order
dated 13.06.2016 in WP) ... Respondents in WPs.8493 to
8496 of 2016

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in NAKA.13615/ 2015 dated 9.1.2016 passed by the fifth respondent and quash the same and consequently direct the fifth and sixth respondent to restore the possession of the petitioners by putting up the demolished Compound Wall in Survey Nos.1/1A2A Part R.S. No.1/634B (Chitta Adankal No.2403) and 1/1A2A Part, Dated 11.06.2012 present Survey No.666 in Palavakkam Village Tambaram Taluk Sholinganallur Taluk/ Kancheepuram District Respectively and also remove the Name Board put up by the sixth respondent.

For Petitioners
in WP.6974/2016 : Mr.M.S.Krishnan, Sr.Counsel
for Mr.Shivakumar

in WPs.8493 to
8496 of 2016 : Mr.S.Parthasarathy, Sr.Counsel
for Mr.S.S.Rajesh

For Respondents
in WP.6974/2016 : Mr.S.T.S.Murthi, Govt. Pleader,
assisted by Mr.V.R.Kamalanathan,
Addl.G.P., for RR 1, 3, 4, 6 and 8
: Mr.N.Sampath for R-2
: Mr.R.Arunmozhi for R-5
: Mrs.S.P.Arthi for R-7

in WPs.8493 to
8496 of 2016

: Mr.S.T.S.Murthi, Govt. Pleader,
assisted by Mr.V.R.Kamalanathan,
Addl.G.P., for RR 1, 3 to 5 and 9
: Mr.N.Sampath for R-2
: Mr.R.Arunmozhi for R-6
: Mr.M.S.Krishnan, Sr.Counsel
for Mr.Shivakumar for R-7
: Mrs.S.P.Arthi for R-8

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard the learned counsel for parties at length.

2. The substance of the dispute is the land measuring 21 grounds 1525 sq.ft. and the question raised is whether this land, as per the layout, has to be treated as Open Space Reservation (OSR) land for the benefit of the Chennai Corporation or whether it vests with the Developer and/or the persons who have purchased from the Developer.

3.The affected parties being the petitioners were issued with notices by the Tahsildar, Sholinganallur, but it appears that before the material could be produced before the Tahsildar on the date fixed, action was taken whereby possession was handed over to the Chennai Corporation. In fact, the grievance of some of the petitioners is that they have not even received the notices.

4. We are of the view that the State Government must take a final view after scrutinisation of all documents to come to a conclusion in whom the land vests and depending on the result of the same, possession would have to go to the respective parties, though at present the Chennai Corporation is in possession. Needless to say that during the process of this enquiry, status quo must be maintained qua this land and the Chennai Corporation must ensure that it is free from all encumbrances.

5. Learned Government Pleader suggests that the appropriate course of action would be for the District Collector, Kancheepuram District, to carry out this enquiry, with the assistance of all the concerned departments including the Town and Country Planning Department. The said District Collector is, thus, impleaded as a party respondent in these writ proceedings. Memo of parties be amended accordingly.

6.The exercise be undertaken by the District Collector within a period of four (4) months from the date of receipt of the order, after notice to all concerned, giving opportunities to produce documents and material and also giving personal hearing. The further action would, thus, naturally depend on the conclusion of the District Collector.

7.We close the writ proceedings in terms aforesaid giving liberty to the parties that if they are aggrieved by the final decision of the Collector, it will be open to them to assail the same in accordance with law. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra
To

1. The Secretary,
State of Tamilnadu,
Revenue Dept., Secretariat,
Chennai 600 009.
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8.The Commissioner of Police
Adithanar Road Chennai-8.

9.The Commissioner
Corporation of Chennai Rippon Buildings
Chennai-3.

+ 1 cc to M/s. Shivakumar & Suresh, Advocate Sr.31732
+ 1 cc to Government Pleader Sr.31947
+ 1 cc to Mr.S.P. Arthi, Advocate SR.32490
+ 2 ccs to M/s. R. Arunmozhi, Advocate Sr.31728, 31729

W.P.Nos.6974 and 8493 to
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SV (CO)
EU 24.6.16



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