

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.5164 of 2017

1.Vijayalakshmi Narayanan

2.T.N.Chandrashekar

3.T.N.Ramakrishnan

.. Petitioners

-vs-

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

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to issue TDR (Transferable Development Rights) for 347.87 sq.m. to the petitioners in addition to the DRC (Development Right Certificate) already granted to the petitioner for 50.3 sq.m. by certificate No.047/2017 dated 07.02.2017 in compliance with the judgment passed in W.P. No.28744/2014 dated 30.03.2015 by taking into account of the representation dated 21.12.2015 and the reminders dated 04.01.2016, 15.07.2016 and 11.02.2017.

For Petitioners : Mr.P.Chandrasekaran

For Respondent : Mr.C.Johnson

WEB COPY
O R D E R

This writ petition has been filed by the petitioners seeking a direction to the respondent to issue TDR (Transferable Development Rights) for 347.87 sq.m. in addition to the DRC (Development Right Certificate) already granted to the petitioners for 50.3 sq.m. by certificate No.047/2017 dated 07.02.2017 in compliance with the judgment passed in W.P. No.28744/2014 dated 30.03.2015 by taking into account of the representation dated 21.12.2015 and the reminders dated 04.01.2016, 15.07.2016 and 11.02.2017.

2.The case of the petitioners is that 1st petitioner is the wife and petitioners 2 and 3 are sons of one Late T.A.Narayanan, who was the absolute owner of the land and property situate in Survey Nos.332/1B. During his lifetime, the Public Works Department (Highways) issued notice under Section 15(1) for determination of compensation for the acquired land in Survey No.322 B of extent of acres 20 cents for widening the Valachery Main Road by the State Highways Department. Thereafter, the said T.A.Narayanan died on 28.02.2001. On 18.10.2013, the petitioners filed an Application with the respondent herein seeking Transferable Development Rights in lieu of compensation for the acquired property and the same was rejected by the respondent. Aggrieved over the same, the petitioners approached this Court by way of filing W.P. No.28744 of 2014 challenging the order of rejection. This Court, considering the prayer of the petitioners that they are entitled to get TDR/DRC in respect of the lands acquired as per the scheme opted by them, allowed the writ petition by setting aside the impugned order and remanded the matter back to the respondent to grant TDR/DRC in respect of the land acquired scheme and pass appropriate orders, on merits and in accordance with law. Subsequently, on 09.07.2015, respondent also issued the Certificate for TDR in Certificate No.027/2015 in the petitioners' name to the extent of the land eligible for FSI credit $2.25 \times V \times 809.36$ sq.m. Since the respondent has miscalculated the provisions of computing the provision of FSI, the petitioners made a representation on 21.12.2015 to the respondent to issue amended DRC for 505.30 sq.m. and the same was acknowledged by the respondent. Despite reminders, the respondent had not passed any order. Hence, the petitioners are before this Court.

3.Heard Mr.P.Chandrasekaran, learned counsel appearing for the petitioners and Mr.C.Johnson, learned Standing Counsel appearing for the respondent, who accepts notice on behalf of the respondent.

4.When the petitioners have restricted their prayer to consider their representation dated 21.12.2015, the respondent is duty bound to do the same. Accordingly, this writ petition is disposed of directing the respondent to consider the representation dated 21.12.2015 made by the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vga

To

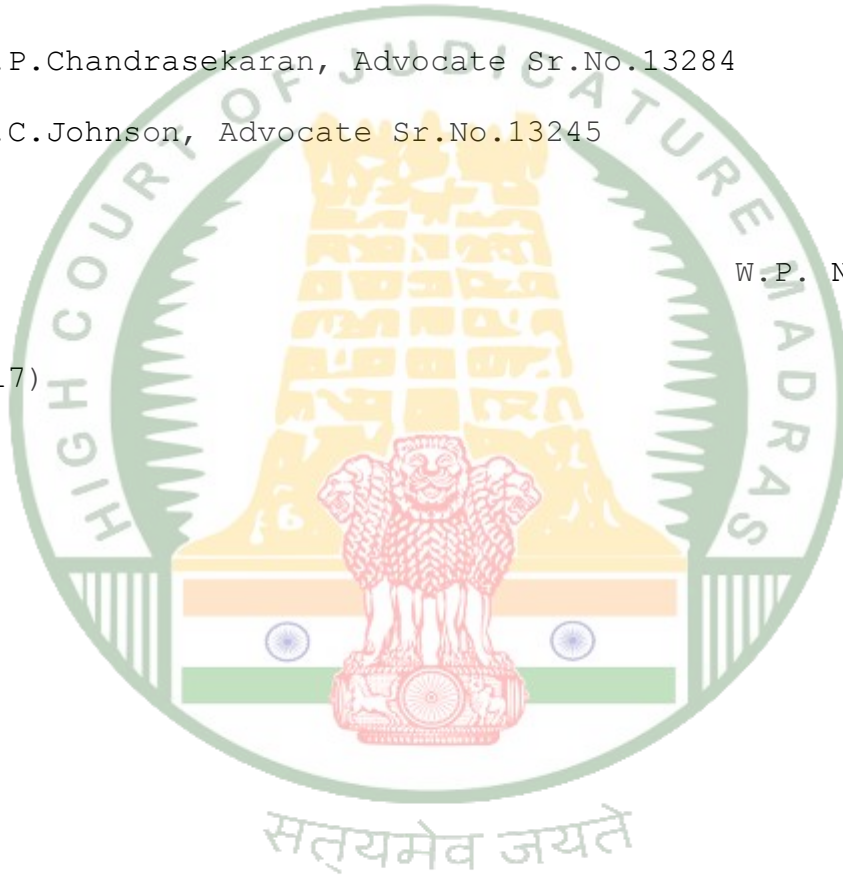
The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

+1 CC to Mr.P.Chandrasekaran, Advocate Sr.No.13284

+1 CC to Mr.C.Johnson, Advocate Sr.No.13245

W.P. No.5164 of 2017

PA(CO)
KP(17.03.2017)



WEB COPY