

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.23340 of 2014
and
M.P.No.1 of 2014

Mrs.Revathy Mohan @ Dhanalakshmi

... Petitioner

Vs.

- 1.State of Tamil Nadu
Rep by the Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The Chairman,
Chennai Metropolitan Development Authority,
Tahlamuthu-Natarajan Maligai,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Member Secretary & Chief Executive Officer, I/c,
Chennai Metropolitan Development Authority,
Tahlamuthu-Natarajan Maligai,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 4.The Special Tahsildhar (Land Acquisition)
Chennai Metropolitan Development Authority,
Tahlamuthu-Natarajan Maligai,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 5.The Special Tasildhar,
Land Acquisition,
C.M.D.A. Koyambedu, Chennai - 92.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents providing access to petitioner lands pertaining to Survey No.139/4-B measuring 0.02.0 hectares (2153 sq.ft) as per the sale deed (1950 sq.ft.), a developed plot at Manjambakkam Village, Saidapet Taluk, Kancheepuram District based on the representation made by petitioner on 12.03.2014.

For Petitioner : Mr.David Tyagaraj

For Respondents : Mr.R.A.S.Senthilvel for R1,R4 & R5
Additional Government Pleader
Mr.C.Johnson for R2 & R3

ORDER

Heard, Mr.David Tyagaraj, learned counsel appearing for the petitioner, Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing on behalf of Respondent Nos.1, 4 &5 and Mr.C.Johnson, learned counsel appearing on behalf of Respondent Nos.2 & 3.

2.This is the second round of litigation. In pursuant to the orders passed by this Court, which resulted in favour of the petitioner, negotiations took place. The petitioner sent a letter dated 22.12.2015, which is as follows:

"I submit that on 28.07.2015 the CMDA had shown me a proposed alternate site based on a letter dated 09.06.2015 to attend an inquiry on 11.06.2015. I hereby agreed in principle for the CMDA to take over my land in S.No.139/4B measuring 0.02.0 hectares (2153 sq.ft.) as per the sale deed (1950 sq.ft.), a developed plot at Manjambakkam Village, Saidapet Taluk, Kancheepuram District.

I submit that the said issue is under challenge by me in W.P.No.23340 of 2014 before the High Court of Judicature at Madras. I am willing to exchange my land in S.No.139/4B measuring 0.02.0 hectares (2153 sq.ft.) as per the sale deed (1950 sq.ft.), a developed plot at Manjambakkam Village, Saidapet Taluk, Kancheepuram District as per the CMDA terms by providing an alternative site in S.No.126 measuring an extent of 2153 sq.ft. of land comprised in Manjambakkam Village abutting Kamarajar Salai (village entrance) on the eastern side of Inner Ring Road. This term of exchange of the proposed land could be submitted before the High Court of Judicature at Madras and the said compromise can be recorded in the W.P.No.23340 of 2014."

Despite the same, nothing more is forthcoming and hence the present writ petition has been filed.

3.A counter affidavit has been filed by the 3rd respondent, wherein it has been stated as follows:-

"18.I further submit that CMDA is willing to give alternative site in Survey No.126 measuring an extent of 2153 sq.ft. of land in Manjambakkam Village abutting Kamarajar Salai on the eastern side of Inner Ring Road (IRR)."

4.Learned counsel appearing for the petitioner would submit that the said proposal is acceptable to the petitioner and therefore, a direction may be given to complete the said exercise within a reasonable time.

5.Accordingly, the writ petition is disposed of by recording the statement made in the counter affidavit as stated above with a further direction to the 3rd respondent to complete the process in pursuant thereon by making transfer in favour of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the registration will have to be done by the 3rd respondent at its own cost. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

maya/cse

To

- 1.The Secretary to Government,
State of Tamil Nadu
Housing and Urban Development Department,
Fort St. George,Chennai - 600 009.
- 2.The Chairman,
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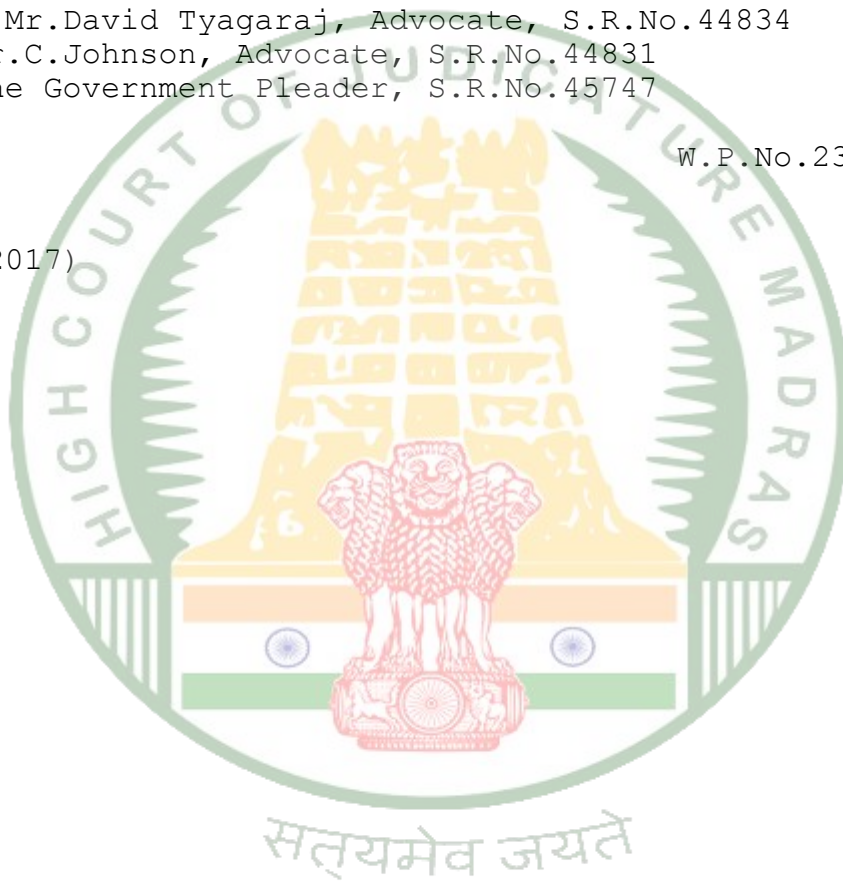
4.The Special Tahsildhar (Land Acquisition)
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5.The Special Tasildhar,
Land Acquisition,
C.M.D.A. Koyambedu, Chennai - 92.

+2cc's to Mr.David Tyagaraj, Advocate, S.R.No.44834
+1cc to Mr.C.Johnson, Advocate, S.R.No.44831
+1cc to the Government Pleader, S.R.No.45747

W.P.No.23340 of 2014

RSI (CO)
CA(10/07/2017)



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