

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2017

Coram

The Hon'ble Mr.Justice M.Sathyannarayanan
and

The Hon'ble Mr.Justice Mr. M. Dhandapani

W.A.No.1388 of 2013

and

M.P.No.1 of 2013

Tamil Nadu Housing Board,
rep. by its Chairman/Managing Director,
Nandanam, Anna Salai, Chennai - 35.

...Appellant

Vs.

1. B. Damayanthi
2. B.Thrinatha Reddy
3. The Corporation of Chennai,
rep. by its Commissioner,
Rippon Building, Park Town, Chennai -3.
4. The Chennai Metropolitan Development Authority,
rep. by its Member Secretary,
No.1, Gandhi Irwyn Road,
Egmore, Chennai - 8.

....Respondents

Writ Appeal, filed under Clause 15 of Letters Patent,
against the order made in W.P.No.28903 of 2012, dated
27.02.2013, by this Court.

WP.No.28903 of 2012:Writ Petition has been filed under Article
226 of the Constitution of India praying for the issuance of a
Writ of Mandamus directing the 1st and 2nd respondents to
receive process and consider our application for Planning
permission for the proposed construction to be put up at lands
in Survey No.181 of Valasaravakkam Village to a total extent of
2000 sq.ft. metres in Saidapet Taluk Chingelput District in
accordance with law and more specifically without insisting on
production of No Objection Certificate from the 3rd respondent
herein.

For Appellant : Mr. K. Venkataramani
Additional Advocate General-VIII
assisted by Mr.V.
Anandamoorthy

For Respondents 1 and 2 : Mr. D.S. Rajasekaran

For Respondent -3 : Mr.R. Arunmozhi

For Respondent -4 : Mr. K. Rajasrinivas

JUDGMENT

The learned counsel appearing for the first and second respondents would submit that, though the first and second respondents (writ petitioners) are subsequent purchasers of the land, in Survey No.181 of Valasaravakkam Village, admeasuring to an extent of 2000 sq.metres, they continue to remain in possession of the property in question and mutation also took place in their favour, and they continue to pay the statutory dues, and in the light of the benevolent provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (henceforth, referred to as 'the Act') they may be permitted to withdraw the Writ Petition with liberty to invoke Section 24 (2) of the Act. The learned counsel also made an endorsement to that effect on the reverse of the Memorandum of Grounds of the Writ Appeal today.

2. This Court heard the submission of Mr. K. Venkataramani, the learned Additional Advocate General, assisted by Mr. V. Anandamoorthy, the learned counsel for the appellant, who would submit that, as per the records, the said land has already been taken possession, and it is for the writ petitioners to sustain their claim, if the land in question is having taken possession.

3. In the light of the endorsement made by the learned counsel for first and second respondents (writ petitioners), the order, dated 27.02.2013, passed in W.P.No.28903 of 2012 is recalled, and the Writ Petition is dismissed as withdrawn. As a result of which, nothing survives for further adjudication in this Writ Appeal, and therefore, the Writ Appeal is closed. If the writ petitioners are so advised, and if it is open to them under law, they are liberty to invoke remedy under Section 24 (2) of the Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Commissioner
The Corporation of Chennai,
Rippon Building, Park Town, Chennai -3.
 2. The Member Secretary
The Chennai Metropolitan Development Authority,
No.1, Gandhi Irwyn Road,
Egmore, Chennai - 8.
 3. The Chairman/Managing Director
Tamil Nadu Housing Board
Nandanam Anna Salai
Chennai-35
- +1 cc to Mr.V.Anandhamoorthy Advocate sr 63103
+1 cc to Mr.D.S.Rajasekaran Advocate sr 63191
+1 cc to Mr.R.Arunmozhi Advocate sr 63301
+1 cc to Mr.K.Rajashrinivas Advocate sr 63428

W.A.No.1388 of 2013

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