

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.26981 of 2017

&

W.M.P.Nos.28779 & 28780 of 2017

Devinarayan Housing & Property
Developments Pvt. Ltd., rep.by its
Managing Director N.Nandakumar
having its registered office at
2,Link Street, Kottur Gardens,
Chennai 600 085.

.... Petitioner

Vs

1. The Chairman
Chennai Metropolitan Development
Authority, Thazhamuthu Nadarasar
Maaligai, Egmore, Chennai 600008.
2. The Special Officer
Tamil Nadu Accountant General's Officer
Staff Cooperative Building Society Ltd.,
[Registration No.X-437], Anna Salai
Chennai 600018.
3. The Assistant Executive Engineer
Zone-14, Part 43, Greater Chennai
No.1, Thulukkanathamman Koil St.,
Pallikaranai, Chennai 600 100.
4. The Tahsildar
Taluk Office, Sholinganallur
Chennai 600 119.
5. The Zonal officer
Corporation of Greater Chennai
Zone-14, Perungudi, Chennai.
6. S.Arjunan
7. Meenakshi Mohan
8. G.Natarajan

9. S.Kuppusamy
10. J.Santhiyagu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the 4th respondent to restore the road width to 9 meters at 5th street, AGS Colony, in survey Nos.648 and 657 at Pallikaranai Village, Saidapet Taluk, Kancheepuram District as per the approved layout as approved by the 1st respondent vide PPD/LO.122/2004, vide Letter No.L1/23946/2004, dated 01.11.2004 and consequently, direct the 4th respondent to carry out necessary rectification in the revenue records pertaining to Plot Nos.82, 83, 84, 85 & 86 as approved by the 1st respondent in PPD/LO.122/2004 vide Letter No.L1/23946/2004 dated 01.11.2004.

For Petitioner : Mr.K.V.Sajeev Kumar

For R1 : Mr.A.Kumar

For R4 : Mr.A.N.Thambidurai,
Special Government Pleader

For RR 3 & 5 : Mr.K.Soundararajan

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition itself is taken up for final disposal. Mr.A.Kumar, learned Standing Counsel accepts notice on behalf of the 1st respondent ; Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the 4th respondent and Mr.K.Soundararajan, learned Standing Counsel accepts notice on behalf of the respondents 3 and 5.

2. The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that the land admeasuring to an extent of 3 acres in S.No.649/2 and 3 situate in Pallikaranai village, forms part of an approved layout bearing No.122/2004 dated 01.11.2004, was purchased in the name of the petitioner - Private Limited Company on the open auction conducted by the Tamil Nadu Industrial Investment Corporation [TIIC] and a registered Sale Deed bearing No.5131/2005 dated 03.07.2005 was also executed in their favour. The petitioner would further aver that initially, the lands belongs to the 2nd respondent, who had submitted a proposal for layout of the land in S.Nos.647/2B, 3B, 648/1-B, 3, 4 and 648/5 in Pallikaranai village and in order to comply with the Rules and Regulations, the 2nd respondent, in the interest of public, has also agreed to

transfer the roads and parks and other open space areas in favour of Pallikaranai Town Panchayat and accordingly, the 2nd respondent has also executed a Gift Deed, gifting all piece and parcel of the land admeasuring to an extent of 10,654 sq.m., reserved for roads in the layout situate in the above said survey numbers along with the piece and parcel of the land admeasuring to an extent of 2820 sq.mt., reserved for parks and other open space areas s per the 1st respondent letter dated 29.01.2004. The grievance expressed by the petitioner is that as per the approved layout, the width of the road is 9 meters and as per the present measurement, the said public road measures around 6.6 meters on the Northern side. The petitioner, in paragraph No.7 of the affidavit, has also pointed out that as per the Tabular column given therein, the following difference has been noted:-

Sl.No	Plot No	Dimension as in CMDA approved drawings [in mtrs]	Dimension as per Revenue Sub-Division [in mtrs]	Extent as per Sale Deed
1	82	11 x 18	N-6.6/S-8.3 x 20	149 sq.mtrs
2	83	10 x 18	10 x 20	200 sq.mtrs
3	84	10 x 18	10 x 20	200 sq.mtrs
4	85	10 x 18	10 x 20	200 sq.mtrs
5	86	11 x 18	12 x 20	240 sq.mtrs

The petitioner, in this regard, has submitted representations to the officials concerned. The 3rd respondent, vide communication dated 15.03.2017 in g/m/43 e/f/vz;/m13-rpwg;g[-2017 addressed to the 4th respondent, has pointed out that as per the layout plan approval by the 1st respondent, the width of the road is shown as 9 meters and whereas, the present width of the road is only 7 meters and therefore, requested the 4th respondent to measure the same and to discharge their duties.

3. The learned counsel for the petitioner would submit that despite such a communication sent by the 3rd respondent to the 4th respondent, so far the 4th respondent has failed to take any measurement despite the fact that as per the approved plan/layout, the width of the road is 9 meters and whereas, the present width is shown only as 7 meters and thereby, implying that there are encroachments on the public road and for want of any help from the 4th respondent, the 3rd respondent is unable to proceed further, and hence, prays for appropriate orders.

4. Heard the submissions of Mr.A.Kumar, learned Standing Counsel appearing for the 1st respondent ; Mr.K.Soundararajan, learned Standing Counsel appearing for the respondents 3 and 5

and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 4th respondent, who would submit that appropriate direction may be given to the 4th respondent to act on the communication of the 3rd respondent dated 15.03.2017.

5. The Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner had prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the 4th respondent to act on the communication of the 3rd respondent dated 15.03.2017 in g/m/43 e/f/vz;/m13-rpwg;g[-2017 and after putting the concerned persons which include the respondents 6 to 10 on notice, shall carry out the measurement of the public road, especially, the width, in the light of the approved plan/layout and send necessary communication to the petitioner, 5th respondent as well as to the respondents 6 to 10 within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

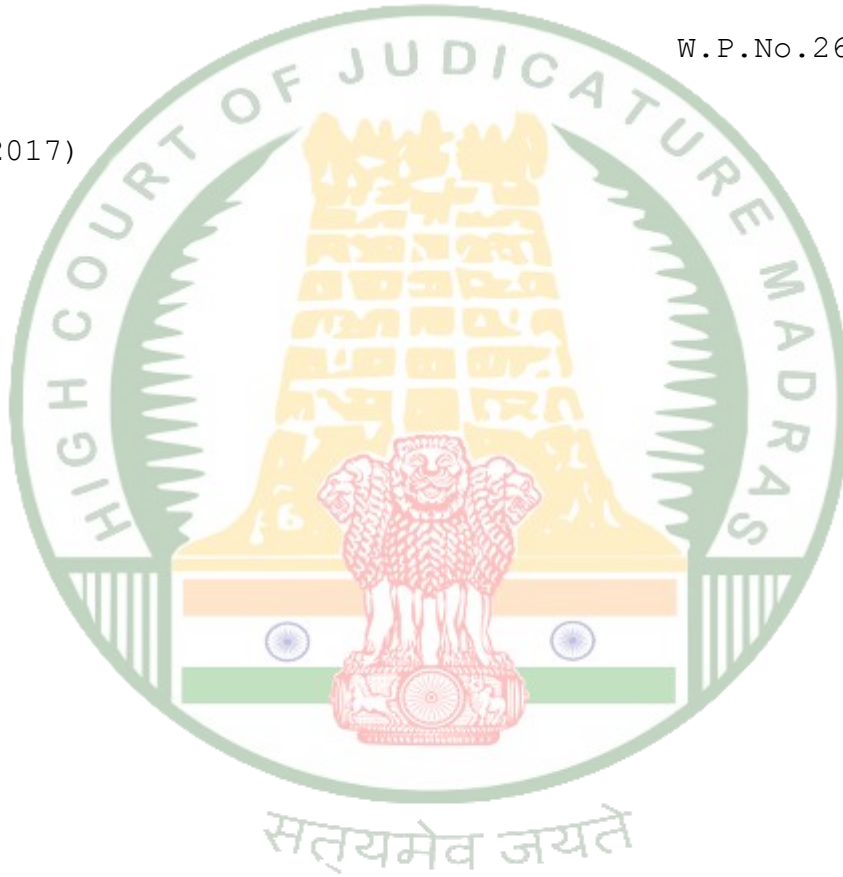
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5. The Zonal officer
Corporation of Greater Chennai
Zone-14, Perungudi, Chennai.

+lcc to Mr.K.V.Sanjeev Kumar, Advocate, S.R.No.74200
+lcc to the Government Pleader, S.R.No.74725

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