

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.27803 of 2017
& WMP No.29789 of 2017

R.Vijay Bobby

.. Petitioner

Vs.

The State of Tamil Nadu,
Rep. by Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Chennai - 600 008.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to re-classify the petitioner's land in Survey No.20/1 measuring an extent of 0 Acres 90 cents bearing plot No.331 at EVP Township, Tharapakkam, Chennai 600096 from "Institutional" status to "Residential" status in accordance with the G.O.(Ms) No.14 dated 30.01.2014.

For Petitioner : M/s.Hari Shankar Mani
For Respondent : Mr.M.Karthikeyan

ORDER

The petitioner has come forward with this writ petition to direct the respondent to re-classify his land in Survey No.20/1 measuring an extent of 0 Acres 90 cents bearing plot No.331 at EVP Township, Tharapakkam, Chennai 600096 from "Institutional" status to "Residential" status in accordance with the G.O.(Ms) No.14 dated 30.01.2014.

2. The learned counsel for the petitioner submitted that the petitioner has purchased a land comprised in Survey No.20/1 measuring to an extent of 0 Acres 90 cents bearing Plot No.331 at EVP Township, Tharapakkam, Chennai 600096 on 27.05.2006 and obtained CMDA layout approval on 17.02.2005 by classifying it as "Residential".

3. The petitioner started construction in the said plot after obtaining necessary planning permission. Subsequently, the petitioner's land was acquired vide G.O.(Ms) No.108, Transport

(1.2) Department, dated 09.10.2017 under the provisions of Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 for expansion and modernisation of the Airport. Subsequently, as per the G.O.(Ms) No.14, Transport (1.2) Department, dated 30.01.2014 the petitioner's land was de-notified. Despite such de-notification, no updates on the CMDA website were made insofar as the re-classification of the said land from "Institutional" to "Residential" status is concerned, even after a passage of 43 months. Hence, the construction of the petitioner's residence is disrupted in the mid-way and it got damaged due to rain and shine, causing heavy financial losses. The petitioner is also denied loans from the banks and financial institutions, as the land is classified as "Institutional" purpose. Hence, the petitioner made a representation to the respondent to change the status of the land and since no action has been taken, the petitioner has filed this petition with the aforesaid prayer.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, as the prayer in the Writ Petition is only on a limited scope, without going into the merits, this Court directs the respondent to consider the representation of the petitioner dated 28.08.2017 and pass appropriate orders on merits and in accordance with law, within a period of one month after hearing the petitioner in person. The petitioner is directed to produce the relevant records in order to substantiate his contentions.

6. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

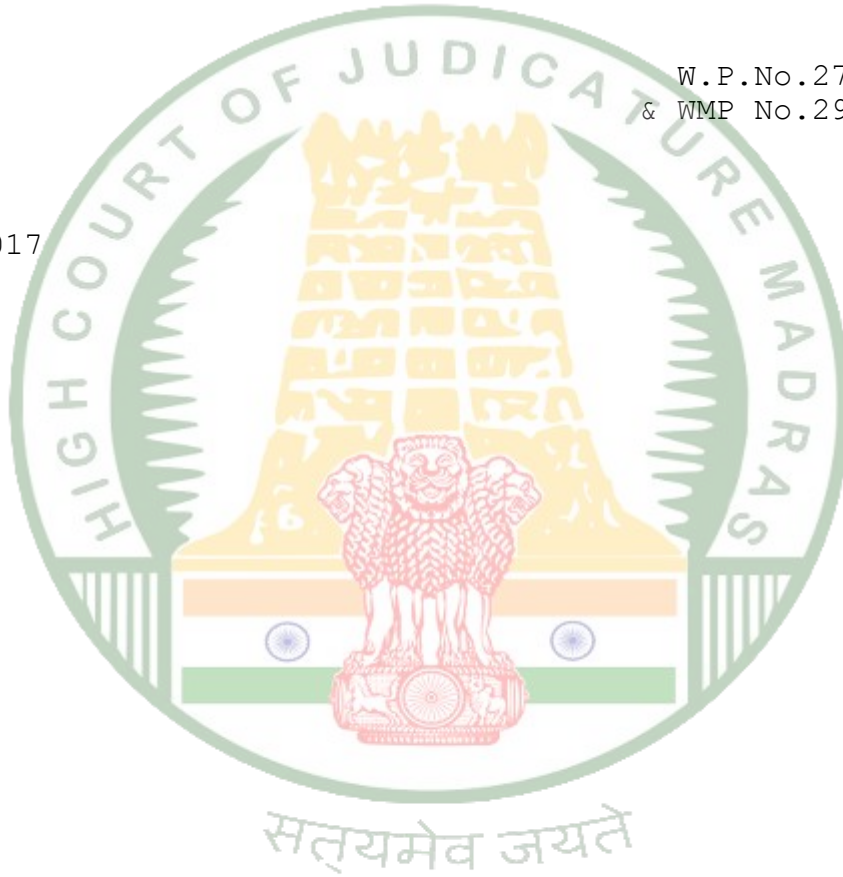
To

The Secretary, The State of Tamil Nadu,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Chennai - 600 008.

+1 cc to Mr.M.Karthikeyan Advocate sr 78877
+1 cc to Mr.Harishankar Mani Advocate sr 78714

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