

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 3755 of 2016

C.Govindan
rep by his son
and power agent

G. Baskaran Petitioner

Vs

1. The State of Tamil Nadu
Represented by the Chief Secretary
St. George Fort , Chennai-9.
2. The Secretary
Revenue Administration Dept. Secretariat
St. George Fort, Chennai-9.
3. The Secretary
Municipal Administration Dept. Secretariat
St. George Fort, Chennai-9.
4. The Collector
Chennai District, Chennai-3.
5. The Collector
Thiruvallur, Thiruvallur District
Pin:602001.
6. The Director
Director of Country & Planning 807 Anna
Salai Chennai-2.
7. The Deputy Director
Director of Country & Planning,
124 G.S.T. Road, Chengalpet-1,
Chengalpet District.
8. The Tahsildar
Madhavaram Taluk,
Madhavaram, Chennai-60.

9. The Zonal Officer
Zone III Corporation of Chennai,
Madhavaram, Chennai-60.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, seeking a direction to the 5th, 6th, 7th 8th and the 9th respondents to pay Rs.25,00,00,000/- (Twenty Five Crores) to petitioner as compensation for the physical and mental agonies and monetary loss caused to the petitioner by their willful mistakes of including Odai/Poramboke land in the DTCP Approved layout 9/75.

For Petitioner : Mr.R.Sreedhar

For Respondents-1 to 8 : Mr.S.Rajeswaran, Spl.G.P.

For Respondent-9 : Mr.V.Ayyadurai, AAG
Assisted by Mr.P.V.Selvakumar

O R D E R

The present writ petition has been filed by an advocate as a power of attorney holder for his father claiming a huge compensation of Rs.25 Crores for the alleged violation committed by Town and Country Planning authorities, while granting approval way back in the year 1975. According to the petitioner, when the approval was granted to the property purchased by him way back in the year 1975, a portion of Odai promboke land had also been included in the same. When the petitioner tried to took possession of the property, third party interfered and stated that it is a promboke land and the petitioner does not have any right. It is his further case that because of the third party hindrance, he was not able to enjoy the property though the same had been duly approved by the authorities. Since it is the duty of the authorities concerned to verify before granting patta whether the land includes any promoboke lands or not, although he purchased the property way back in the year 1975, he could not be able to enjoy the same and hence he had claimed compensation to the tune of Rs.25 Crores.

2. Learned Additional Advocate General appearing for the respondents by referring to the counter affidavits of the respondents would submit that the dispute 'Odai Promboke Land' in question was admittedly purchased by the petitioner's father from the third parties. The petitioner who has got registered his property way back in the year 1975, ought to have taken steps to get the declaration of title of his suit property if

there is any hindrance. His whole episode is only against the third parties and not against the authorities. Petitioner was fully aware of the third parties interest in the suit properties and he has also filed a suit and obtained an permanent injunction in O.S.No.594 of 1985. The said suit had been filed only against the third parties and the respondents were not included as parties in the same. Learned Additional Advocate General would also submit that even if we take into account that the mistake had crept in by the authorities, the petitioner being an advocate ought not to have waited for so many years to rectify the same. Petitioner being an practising advocate would have taken very effective steps to clarify his position. Having restrained himself from the matter for more than 40 years now, the claiming compensation to the tune of Rs.25 Crores from the authorities concerned is totally immaterial.

3. Heard the learned counsel for the parties and perused the materials on records.

4. The only aspect which has been raised by the petitioner is that while granting approval, the authorities should have verified the records correctly and ought to have granted patta. The petitioner had purchased merely 2400 sq.ft. in Madhavaram Taluk, in the year 1975. It is needless to mention that at that point of time, the said Madhavaram Taluk was not even included in the Metropolitan zone. It is atrocious that the petitioner had sought for compensation to the tune of 25 Crores which means, he had claimed 1 Crore as compensation per square feet. No doubt that a mistake had crept in while granting approval in the year 1975. The petitioner having started to litigate with third parties in the year 1985 by way of suit, has come to this Court nearly after 40 years seeking a huge amount as compensation. As rightly pointed out by the learned Advocate General, the petitioner ought to have filed a suit for declaration and proved his title over the property. The petitioner being an advocate certainly ought to have been vigilant while purchasing a property and he must be very well aware of the normal procedures more than a common man. It is also true and by this time i.e., nearly after 40 years the revenue records would have been destroyed and certainly the department authorities will not be in a position to clarify the so obtaining position at that point of time.

5. In the aforesaid circumstances, this Court is of the view that the petitioner's being power of Attorney a practising advocate who had initiated proceedings against the third parties before the Court below had filed the present writ petition seeking a huge compensation against the authorities concerned for the alleged mistake committed by the authorities way back in the year 1975 is without any basis. Hence, this writ petition is dismissed both on facts and on merits. However, since the

petitioner having knowledge about the proceedings had chosen to file this writ petition nearly after 40 years, that too seeking a huge compensation of Rs.25 Crores, this Court is inclined to impose cost of Rs.5,000/- to be paid by the petitioner to the Mediation and Conciliation Center, High court, Madras, within a week from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

To

1. The State of Tamil Nadu
Represented by the Chief Secretary
St. George Fort ,
Chennai-9.
2. The Secretary
Revenue Administration Dept. Secretariat
St. George Fort,
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Director of Country & Planning,
124 G.S.T. Road, Chengalpet-1,
Chengalpet District.

8. The Tahsildar
Madhavaram Taluk Madhavaram Chennai-60.

9. The Zonal Officer
Zone III Corporation of Chennai,
Madhavaram, Chennai-60.

10. The Mediation and Conciliation centre
High Court, Madras
(for payment of costs of Rs. 5009)

+1 CC to The Govt. Pleader sr 11798

+1 CC to Mr. P.V. Selvakumar, Advocate sr 11843

+2 Ccs to Mr. R. Sreedhar, Advocate sr 11644

W.P.No. 3755 of 2016

PA (CO)
sp/11/4



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