

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19015 of 2005

and

W.M.P.Nos.20566 & 20567 of 2005

M. K. Ravi

.. Petitioner

vs

1.Government of Tamil Nadu,
rep. By Secretary,
Housing & Urban Development Department,
Fort St. George, Chennai 600 009.

2. The Sub-Registrar,
Thirupporur,
Chengalpattu Taluk,
Kancheepuram District.

3. Chennai Metropolitan Development,
Authority by Member Secretary,
Thalamuthu Natarajan Buildings,
No.8, Gandhi - Irwin Road,
Egmore, Chennai 600 008.

4. Mr. R. Balaji

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, Order or Direction in the nature of Writ of Certiorari or any other appropriate writ, order or orders, direction, calling for the records relating to G.O.Ms.No.241 (Housing and Urban Development (UD-III-1) Department) dated 19.09.2003 on the file of the first respondent herein and to quash the same in so far as the clauses (i) (ii) and (iii) of para 3 therein.

For Petitioner : Mr. Govi Ganesan

For Respondents : Mr. Akhil Akbar Ali,

Government Advocate for R1

Mr. T. M. Pappiah,

Special Government Pleader for R2

Ms. P. Veena for R3

No appearance for R4

O R D E R

The Government orders passed in G.O.Ms.No.241 (Housing and Urban Development (UD-III-1) Department) dated 19.09.2003 is under challenge in the present Writ Petition.

2. The Members Secretary, Chennai Metropolitan Development Authority submitted a proposal for creation of an "Administrative City" at New Mahabalipuram and Old Mahabalipuram in Chengalpattu Taluk, Kancheepuram District. The proposals of the Member Secretary, Chennai Metropolitan Development Authority have been examined in detail in consultation with the Rural Development, Municipal Administration and Water Supply, Commercial Tax and Revenue Departments in the Secretariat and the Government have decided to accept the above proposal of Member Secretary, Chennai Metropolitan Development Authority. Accordingly the Government issue the following orders:-

(i) 4(1) Notification proposals may be initiated urgently and the developments of "Thiruvudanthai and Thaiyur" Villages are hereby frozen.

(ii) No land transaction should be allowed in these villages and the Registration Department should not register the land transaction documents.

(iii) The Local Body should not accord any planning/building permission for the developments in these villages.

(iv) The Government agencies should not take up any development activities in these villages.

(v) The Collector Kancheepuram District is directed not to assign any poramboke lands.

3. On a perusal of the above decision taken by the Government it is a policy decision and the writ petitioner, who is the owner of the land situated in Thaiyur Village cannot have any grievance or cause of action. If at all, the writ petitioner is vacated on account of acquisition proceedings or otherwise then alone the writ petition shall be entertained.

4. The Courts shall not interfere with the policy decision of the Government in a routine manner. Only in the event of establishing that such a policy decision is in violation of the constitutional principles or apposed to public policy, then alone the writ proceedings can be entertained.

5. In the present case, the writ petitioner being the owner of a portion of the land in Thaiyur village, cannot question the policy decision taken by the Government in respect of certain developmental activities and if any other grievance exist for the writ petitioner with reference to the properties owned by him or otherwise, it is left open to him to approach

the competent authorities in the manner known to law.

6. With these observations, the Writ Petition stands dismissed. No Costs. Consequently, Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

To

1.The Secretary, Government of Tamil Nadu
Housing & Urban Development Department
Fort St. George, Chennai 600 009

2. The Sub-Registrar
Thirupporur
Chengalpattu Taluk
Kancheepuram District

3. The Member Secretary,
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Buildings
No.8, Gandhi - Irwin Road
Egmore, Chennai 600 008

+1 cc to Mr.K.Govi Ganesan, Advocate Sr.No.89359
+1 cc to M/s.P.Veena Suresh, Advocate Sr.No.24

SS(CO)
CSL/31.01.2019

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सत्यमेव जयते

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