

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.11104 of 2017 & WMP.No.12036 of 2017

Godrej & Boyce Mfg. Co. Ltd.,
1, SIDCO Industrial Estate,
Ambattur,
Chennai - 600 098.

Rep. by its Executive Vice
President & Business Head ..

Petitioner

Versus

1. The Assistant Executive Engineer,
Greater Chennai Corporation,
Zonal Office - 1 (Ambattur)
CTH Road, Ambattur,
Chennai - 53

2. The Junior Engineer,
Greater Chennai Corporation,
Zonal Office - 7 (Ambattur)
CTH Road, Ambattur,
Chennai - 53.

3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai -3.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records of the first and second respondents culminating in the Notice bearing Reg. No.ZONE-VII (AMBATTUR) DIV-85/TPENF/032/2017 dated 16.02.2017 and quash the same.

For Petitioner : Mr.Krishna Srinivas
For Mr.S.Ramasubramaniam and ASSO

For Respondents
For R1&2 : Mr.A.N.Thambidurai
Special Government Pleader

For R3 : Mr.A.Nagarajan, SC

ORDER

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

The petitioner made a challenge to the notice issued by the first respondent praying for approved plan. During the course of hearing the writ petition was entertained and notices were ordered. During the course of hearing, it was submitted by the petitioner that he is willing to give lands comprised in Survey Nos.190(part), 192(part) and S.No.179(part) by way of exchange, and it may be considered and accordingly this Court had directed the petitioner to submit a fresh representation to the Secretary to Government, Government of Tamil Nadu, Municipal Administration and Water Supply Department, Fort. St. George, as well as to the Special Commissioner, Commissioner of Land Administration and the Commissioner, Corporation of Chennai with further direction to consider the said representation and pass orders.

2. Accordingly, the representation submitted by the petitioner for exchange of land was considered. In the minutes of the Joint Sitting convened by the Additional Chief Secretary/Commissioner of Land Administration which was held on 24.04.2018, the Chief Engineer, Water Resource Organization, Public Works Department has submitted a report and the same is reads as follows:

"1. The alternate drain in the exchanged land should be formed as per design at the cost of the Godrej & Boyce MFG.Co.Ltd in consultation with the PWD Officials

2. The area of the exchange land should not be less than the encroached area of the S.Nos. 175 & 172 under occupation by the Godrej Company"

The committed based on the said report took the following decision :-

- "In the joint discussion, it was decided that the alternative channel which is to be formed by the applicant should have the same width as the original channel so as to ensure that the new rerouted channel carries the flood water and the same gravity should be maintained upto

Patravakkam channel and should also meet the purpose, served by the original channel. The alternative channel has to be formed by adopting the PWD, Water Resource Organization's technical norms and norms of storm water division of Greater Chennai corporation.

- The Commissioner, Greater Chennai Corporation mentioned that residential area is located nearby and a sidewall strengthening the drainage system has to be provided in consultation with storm water drainage division to avoid the flooding of the new channel and inundation of the nearby residential area.
- Based on the discussion of the Technical opinion obtained from the Chief Engineer/ (PWD/WRO) and the suggestions made by the Municipal Administration Department, the Committee agreed to the formation of an alternative channel, subject to orders of the Hon'ble High Court. Further, the Government may reserve the right to review the Project if it is found later on that the alternative channel is not sufficient to carry the flood water during Monsoons.
- Finally, the Committee has jointly resolved to submit the above decision before the Hon'ble High Court on 26.04.2018."

3. The learned counsel for the petitioner would submit that the petitioner for the purpose of ex-change of land, it is willing to abide by the condition as suggested and prays for outer time limit by directing the official respondent to obey.

4. This Court heard the submissions made by the learned counsel for the petitioner and also the learned counsel for the respondents.

5. The petitioner has also undertaken to comply with the requirements/conditions pointed by the Chief Engineer, Public Works Department in his report, which is extracted above and the committee has also agreed to the formation of an alternative channel subject to the orders passed by this Court in the Writ petition and the Government has also reserved the right to review the project, if it is found later on that the alternative channel is not sufficient to carry the flood water during monsoon.

6. In the light of the above said development, the writ petition is disposed of with a direction to the Joint Commissioner (Land), Commissionerate of Land Administration, Chepauk, Chennai - 600 005, shall take into consideration the

consent given by the petitioner to the said proposal and initiate proper proceedings and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner. The minutes of the Second Joint Sitting held on 24.04.2018 at 12.30 P.M. at the Chamber's of ACS/CLA to discuss and take a decision on the representation of M/s.Godrej & Boyce Mfg.Co.Ltd., to exchange Government land in lieu of equal extent of patta land, is taken on file and recorded.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts/sk

To

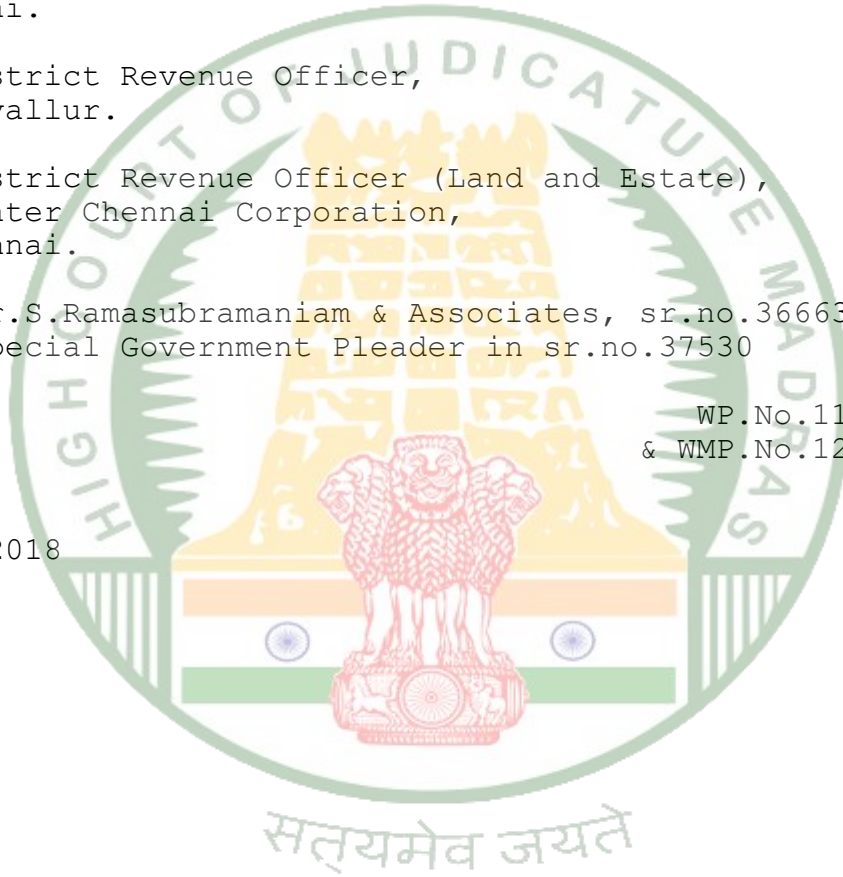
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Chennai - 53.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai -3.
4. The Principal Secretary to Government,
MAWS Department,
Secretariat, Chennai - 600 009.

5. Joint Commissioner (Land),
Commissionerate of Land Administration,
Chepauk, Chennai - 600 005.
6. The Deputy Commissioner (Revenue and Finance)
Greater Chennai Corporation,
Chennai.
7. The Chief Engineer,
Water Resources Organization,
Chennai Region,
Chennai.
8. The District Revenue Officer,
Thiruvallur.
9. The District Revenue Officer (Land and Estate),
Greater Chennai Corporation,
Chennai.

+lcc to Mr.S.Ramasubramaniam & Associates, sr.no.36663
+lcc to Special Government Pleader in sr.no.37530

WP.No.11104 of 2017
& WMP.No.12036 of 2017

svn(co)
nr 28/06/2018



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