

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25572 of 2017

Elephant.G.Rajendran ... Petitioner

Vs.

1 The Chief Secretary
Government of Tamilnadu
Secretariat
Chennai-9

2 The Secretary
Ministry of Defence
South Block, New Delhi.

3 The Commissioner
Indian Air Force
Tambaram, Chennai.

4 The Secretary
State Highways Department
Secretariat
Chennai-9.

5 The District Collector
Kancheepuram District.

6 The Sub Collector
Tambaram, Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to lay the connecting road at Anakaputhur Village from the bridge and put the bridge in use for general public immediately before rainy season starts.

For Petitioner : Mr.Elephant G.Rajendran
Party-in-person

For Respondent : Mr.T.N.Rajagopalan
Government Pleader
for respondents 1, 4 to 6

No appearance
for respondents 2 and 3

ORDER

(Made by *Ms.Indira Banerjee, Chief Justice*)

This writ petition, by way of public interest litigation, was filed as a bridge constructed and completed in 2011 to connect Anakaputhur, Pallavaram, Porur, Kunrathur and Koyambedu Market had not been opened for use.

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2. The writ petition was filed seeking a writ in the nature of writ of mandamus directing the respondents to lay the connecting roads and to put the bridge to use for the general public.

3. Needless to mention that the bridge, which has been constructed at substantial cost to the exchequer, should be opened and put to use as contended by the petitioner. It, however, appears that the project was stalled by reason of disputes with regard to land required for the connecting road which is defence land.

4. Mr. Elephant G. Rajendran has drawn our attention to a recent letter dated 18.12.2017 from the Group Captain, Mr. N. C. Srivastava, on behalf of the Air Force authorities, in reply to a letter sent by Mr. Rajendran. The reply is extracted herein below for convenience:

"1. Reference is made to your DO letter dated 29 Jul 17.

2. The reply to your ibid letter is as follows:-

(a) Initially Air Force land measuring 0.2471 acres was proposed to be transferred mutually to Govt of Tamil Nadu for construction of elevated bridge across river Adyar between Tharapakkam and Anakaputhur of Alandur Taluk, Kancheepuram District. However as advised by DGDE, NABARD was approached for transfer of entire 0.80 acres of AF Land in lieu of Govt land contiguous to Air Force Stn Tambaram or on payment of prevailing market rate. NABARD has intimated that the market value of the land as per the

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guideline value of Rs.1600 per Sq ft amount to Rs.554.88 lakhs. The value of the land is more than the entire cost of the project which is 470.00 lakhs. Since the project is taken up under the NABARD loan assistance, the proposal was not found feasible due to its cost.

(b) Further NABARD was asked to take up the case with State Govt to either transfer the entire Defence land of 0.80 acres at Air Force Station Tambaram to State Govt as per the rate finalised by DGDE or to provide equal value of contiguous encumbrance free land near Air Force Station at Avadi, Thanjavur, Sulur or Coimbatore.

(c) On 18 Aug 17 DC Kanchipuram has proposed to transfer equal value of land at Survey No.72/1 of Thiruvancheri village in lieu of 0.80 acres of Air Force land, which is approx 500 away from Air Force Station Tambaram. The proposal of the State Govt is under consideration by Air Force and a final decision will be taken shortly.

3. This is for your information, please."

5. On behalf of the State Government, the learned Government Pleader has submitted that a status report dated 6.4.2018, wherein it is averred as under:

"The Chief Minister of Tamilnadu also has writted DO letter to Defence Minister, Government of India for early enter upon permission from Ministry of Defence on 18.1.2018 so as to complete the bridge work at the earliest without further cost escalation.

It has been ascertained from the Defence Estate Office, Chennai that the Tamilnadu Govt proposal for Rs.2.04 Crore and the Defence Estate Office, Chennai proposal for Rs.3.74 Crore have been sent by the Defence Estate Officer, Chennai to Principal Director, Defence Estate, Pune. The Principal Director also forwarded the proposals to the Director General of Defence Estate, New Delhi and the same is under the consideration of Ministry of Defence. The Chief Engineer (H) NABARD and Rural Roads Chennai also has written a letter to the Secretary to Govt of India Ministry of defence on 19.3.2018 to issue enterupon permission to resume the balance bridge work at the earliest. The enterupon permission is awaited from the Ministry of Defence."

6. In the light of the aforesaid developments and in particular the talks between the State Government and the Air Force authorities, Mr.Rajendran wishes to withdraw his writ petition.

7. The writ petition is, thus, dismissed as withdrawn. It is expected that the land transfer proceedings will be completed at an

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early date, preferably within six months from date, and the bridge constructed at considerable cost shall be opened to use in the near future. No costs.

(I.B., CJ.) (A.Q., J.)
09.04.2018

Index : No
Internet : Yes
sasi

To:

The Sub Registrar
Thirukalukundram
Chengalpet District.

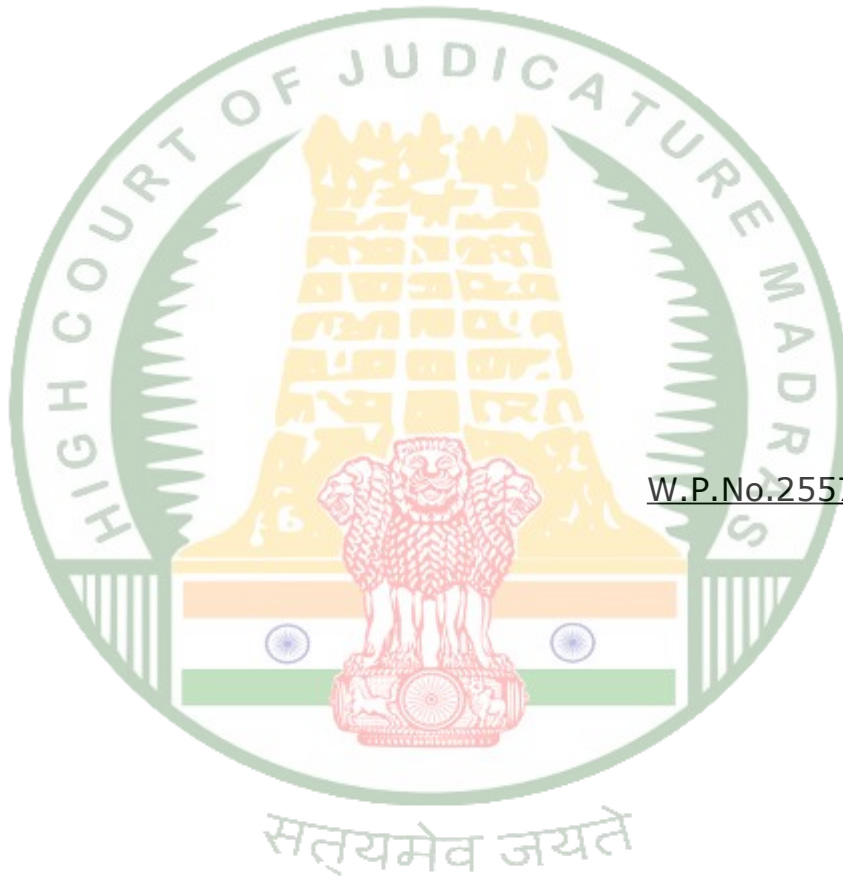


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THE HON'BLE CHIEF JUSTICE
AND
ABDUL QUDDHOSE.J

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