

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.1530 of 2018

L. Thomas Nadar

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Building,
Gandhi Erwin Road,
Egmore, Chennai - 600 008.

3. The Collector,
Thiruvallur,
Thiruvallur District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 & 2 to re-classify his lands situated in S.No.410, 406, 408/1A, 408/1B, 408/2A, 408/2B, 409, 405/1 and 405/2, measuring a total extent of 9.63 acres, situated at Perungavour Village, Ponneri Taluk, Thiruvallur District from "Agriculture Use Zone" to "Primary Residential Use Zone" and grant approval for the reclassification of said lands.

For Petitioner : M/s.K.Balu

For Respondents : Mr.V.ShanmugaSundar, Spl.G.P.(for RR1 & 3)
Mr.P.Tamilmani (for R2)

ORDER

The petitioner has come up with this petition for issuance of Writ of Mandamus to direct the respondents 1 & 2 to re-classify his lands situated in S.No.410, 406, 408/1A, 408/1B, 408/2A, 408/2B, 409, 405/1 and 405/2, situated at Perungavour

Village, Ponneri Taluk, Thiruvallur District from "Agriculture Use Zone" to "Primary Residential Use Zone" and grant approval for the reclassification of said lands.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 & 3 and the learned counsel for the 2nd respondent. By consent of both sides, the writ petition is taken up for final hearing.

3. The case of the petitioner is that his family owns lands measuring an extent of 9.63 acres in various survey numbers in Perungavur Village, Ponneri Taluk, Thiruvallur District. The said lands were classified as "Agricultural Use Zone" by the 2nd respondent and with a view to develop those lands, the petitioner made an application to the 2nd respondent to classify the lands from "Agricultural Use Zone" to "Primary Residential Use Zone".

4. According to the petitioner, the lands of the adjacent land owner, viz., Srinivasan and others in Perungavur Village, were already re-classified as "Primary Residential Use Zone" by the order of the 2nd respondent in File No.R1/8457/2016. The petitioner would further state that on 13.03.2017, technical committee considered the application of the petitioner and recommended for re-classification as early as in the year 2017.

5. The grievance of the petitioner is that the 2nd respondent has not placed the file before the authority committee, despite repeated representations of the petitioner. Hence, the present writ petition.

6. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if the 2nd respondent is directed to place the matter before the authority committee.

7. The learned counsel for the 2nd respondent submitted that the papers of the petitioner would be placed before the authority committee in the next meeting and the decision taken, would be communicated to the petitioner.

8. In the light of the above submissions and the limited scope of the prayer sought for in this writ petition, this Court without going into the merits of the case, directs the 2nd respondent to place the application of the petitioner along with relevant documents before the next meeting of the Authority Committee, and communicate the decision of the Committee to the petitioner.

9. With the above observations and direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Building,
Gandhi Erwin Road, Egmore, Chennai - 600 008.

3.The Collector, Thiruvallur, Thiruvallur District.

+1cc to Mr.P.Tamilmani, Advocate, S.R.No.19045

+1cc to the Government Pleader, S.R.No.19258

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VGII (CO)

RRK(19/04/2018)

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