

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.18979 of 2018 and
W.M.P.Nos.22380 & 35738 of 2018

M/s.Periyachekkadu Village
Public Welfare Society
Rep by its President
Mr.S.Manoharan
Periyachekkadu
Madhavaram Milk Colony
Chennai-600 051

.. Petitioner

vs

1 Government of TamilNadu
Rep by its Secretary to Government
Housing & Urban Development Department
Secretariat
Chennai - 600 009

2 Chennai Metropolitan Development Authority
Rep by its Member Secretary
No.1 Gandhi Irwin Road
Egmore, Chennai-600 008.

3 Corporation of Chennai
Rep by its Commissioner
Ripon Building, Chennai-600 003

4 Corporation of Chennai
Rep by its Executive Engineer
Zone-III, Madhavaram
No.1 Thattankulam Road
Bazaar Street, Madhavaram
Chennai-600 060

5 C.Vinothkumar

6 C.Vidhya Shankar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 1st and 2nd respondents to consider and pass orders expeditiously in accordance with law on the petitioner's objection by way of representation dated 09.07.2018 against the reclassification application of the 5th and 6th respondents to the 1st & 2nd respondents of their lands to an extent of 22 acres and thereabouts in Survey No.205/2, T.S.No.1 & 2/2 of Madhavaram Village, Madhavaram Taluk, Tiruvallur District from Institutional use zone to Primary residential use zone and forbear the 5th & 6th respondents from proceedings with such development and promotion of the said land pending decision on their reclassification application.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate - for R1
Mr.Karthik Rajan - for R2
Mr.K.Soundararajan - for R3 & R4
Mr.R.Bharanidharan - for R5 & R6

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass orders, expeditiously, in accordance with law, on the petitioner's objections by way of representation dated 09.07.2018 against the reclassification application of the respondents 5 and 6 to the respondents 1 and 2 of their lands measuring an extent of 22 acres in Survey No.205/2, T.S.No.1 & 2/2 of Madhavaram Village, Madhavaram Taluk, Tiruvallur District from Institutional Use Zone to Primary Residential Use Zone and forbear the respondents 5 and 6 from proceedings with such development and promotion of the said land pending decision on the reclassification application.

2. The petitioner has filed the above Writ Petition as a Public Interest Litigation.

3. It is the case of the petitioner that the respondents 5 and 6 were owning large extent of lands in the Periyachekkadu Village and sold to one Arasu Associates in the year 2006 and that the said Arasu Associates had applied for reclassification of lands in Survey No.205/2 from Institutional Use Zone to Primary Residential Use Zone in order to promote, develop and

sell residential plots. The petitioner had objected to such reclassification and also filed the present Writ Petition.

4. The 2nd respondent has filed a counter wherein in paragraph No.16, it has been stated that reclassification proposal for 10.98 acres of land in Survey No.205/2A of Madhavaram Village was published in leading Newspapers on 16.11.2006 calling for objections and suggestions from general public and no objections or suggestions were received on the reclassification proposal. Therefore, the reclassification proposal was thereafter examined and placed before the Technical Committee in the meeting held on 22.01.2009. On the said date, the Authority, resolved to reclassify the use of land in Survey No.205/2A from Institutional Use Zone to Primary Residential Use Zone and the reclassification was notified in the Tamil Nadu Government Gazette, dated 25.02.2009, Part-VI, Section-I. The 2nd respondent has also stated that similarly, the reclassification proposal for 21.96 acres in Survey No.205/2B of Madhavaram Village was published in the Newspaper on 21.10.2017, calling for objections and suggestions from the general public, however, no objections or suggestions were received on the proposal. Hence, the proposal was placed before the Technical Committee in the meeting held on 02.01.2018 and the Committee recommended to reclassify the use of the land in the site from Institutional Use Zone to Primary Residential Use Zone. The recommendation of the Committee was placed before the Authority in the meeting held on 31.01.2018 and on the same day, the Authority resolved to reclassify the use of the land as Primary Residential Use Zone and the same was also notified in the Tamil Nadu Government Gazette, dated 18.04.2018.

5. The petitioner has filed the Writ Petition on 23.07.2018 i.e. after the Authority reclassified the land in question as Primary Residential Use Zone. When the Authority had passed the order reclassifying the land from Institutional Use Zone to Primary Residential Use Zone, even prior to the filing of the Writ Petition, the Writ Petition filed by the petitioner seeking for issuance of Mandamus, cannot be entertained. In these circumstances, the Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj

To

- 1 The Secretary to Government
Housing & Urban Development Department
Secretariat, Chennai - 600 009
- 2 The Member Secretary
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai-600 008
- 3 The Commissioner
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- 4 The Executive Engineer
Corporation of Chennai
Zone-III, Madavaram
No.1 Thattankulam Road
Bazaar Street, Madhavaram,
Chennai-600 060

+2 cc to Mr.R.Karthikeyan, Advocate Sr.No.85594,85290
+1 cc to Mr.Karthik Rajan, Advocate Sr.No.85192
+1 cc to Mr.K.Soundara Rajan, Advocate Sr.No.84927
+1 cc to Mr.D.S.Rajasekaran, Advocate Sr.No.84832
+1 cc to The Government Pleader, Sr.No.83428

W.P. No.18979 of 2018 and
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CSL/18.12.2018

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