

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2018

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.17094 of 2009

Tiruvannamalai Co-operative House
and Building Society Ltd.,
Rep. by its Secretary
D.Chandrasekar
10/21, 3rd Street Gandhi Nagar,
Tiruvannamalai.

..... Petitioner

Versus

- 1.The Secretary to State Government of Tamil Nadu
Rural Development and Local
Administration Department,
George Town, Chennai.
2. The Commissioner,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai-2.
3. The Assistant Director,
Town and Country Planning Department,
Officers Line,
Vellore.
4. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
5. The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai Town and District.
6. The General Manager,
Tiruvannamalai District Central
Co-operative Bank Ltd.,
6th Street, Gandhi Nagar,Tiruvannamalai.

7. Mr.V.Pavan Kumar,

8. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort.St.George,
Chennai- 600 009.

(R7 & R8 impleaded as per order dated 2.2.2010
in MP.No.1 of 2009 and 1 of 2010 in W.P.No.17094 of 2009)

9. A.Samuel

10.A.Anilet Floral

11.R.Syed Najubuddin Ahmed ... Respondents

(R-9, R-10 & R-11 impleaded as per Order dated
13.08.2014 in MP.Nos.1,2 & 3 of 2014 in
W.P.17094 of 2009)

Prayer : The Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of Mandamus, directing
the 5th respondent to grant layout approval on application made
by the petitioner Society on 21.01.2009 for the layout in Survey
Nos. 183/12, 186/1, 186/3, 186/2, 186/4, 186/5, 186/10, 186/11,
186/12, 186/13, 191, 196/1, 196/2, totally admeasuring 6.22
acres.

For Petitioner : Mr.G.Rajah

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader,
for R1 to R 4 & R8
: Mr.P.Srinivas, for R5
: Ms.G.Thilakavathi
Senior Counsel for
Mr.R.Gopinath, for R6
: Mr.C.Jagadish, for R7
: Mrs.Saradha Gopalan, for R9 to R11

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This writ petition has been filed seeking for issuance of
a writ of mandamus directing the fifth respondent to grant
layout approval on the application made by the petitioner
society on 21.01.2009.

2. Heard the learned counsel for the petitioner and the
learned counsels appearing for the respondents and perused the

materials available on record.

3. The learned counsel for the petitioner submitted that the first respondent had issued proceedings in G.O.Ms.No.1150, Rural Development and Local Administration, dated 03.05.1974, to acquire the land in dispute and the acquisition proceedings were quashed by this Court in W.A.No.310 of 1982, dated 05.10.1988. Thereafter, no fresh proceedings were initiated by the first respondent. It is further submitted that the petitioner's society had purchased the land and applied for approval of the layout. Since no order was passed, the present writ petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 and 8 submitted that the acquisition proceedings were quashed only on technical ground. Even before the order was passed, the entire compensation amount was paid to the land owners. It is further submitted that the fourth respondent - District Collector, has convened a meeting to resolve the dispute, in which a proposal was given to solve the issues.

5. In reply, the learned counsel for the petitioner submitted that the petitioner is not agreeable for the proposal given by the District Collector and the fifth respondent can be directed to pass orders on the application of the petitioner.

6. Taking note of the above facts of the case, the fifth respondent is directed to pass appropriate orders on the application of the petitioner Society dated 21.01.2009, on merits and in accordance with law, after affording an opportunity of personal hearing to all the necessary parties.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to State Government of Tamil Nadu
Rural Development and Local Administration Department,
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3. The Assistant Director,
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5. The Commissioner,
Tiruvannamalai Municipality,
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6. The General Manager,
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7. The Secretary to Government,
The State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort.St.George,
Chennai- 600 009.

+1cc to Mr.G.Rajan, Advocate SR.No.27084
+1cc to Mr.P.Srinivas, Advocate SR.No.28195
+1cc to Mr.S.Radha Gopalan, Advocate SR.No.27895
+1cc to Government Pleader SR.No.27716

W.P.No.17094 of 2009

KAN (CO)
GN (15/05/2018)

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