

Comp.A.Nos.1231, 1232 & 1233 of 2014, 832, 833 of 2015, 100, 569 of 2018

in

C.P.No.13 of 2000

N.SATHISH KUMAR, J.

Application Nos.1231, 1232, 1233 of 2014, 477, 832, 833 of 2015, 100, 569 of 2018 have been filed by the petitioners seeking a direction to the Official Liquidator to hand over the roads confirmed in the lay out and also to execute necessary documents in favour of the Government by way of Gift deed and execute sale deeds in favour of the applicants.

2. On a perusal of records, it appears that the plots have been approved and lay out has also been framed on the basis of the scheme framed by this Court. The only apprehension of the Official Liquidator and Government is that certain plots come within the water bodies and there may be encroachment. To find out those facts, this Court had directed the Collector of Kancheepuram District to file a detailed plan in this regard. The plan has also been filed.

3. On a perusal of the plan, except few plots, which have already been sold, the other plots do not come either under the water body or encroachment. In view of the same, in order to find a solution in this aspect, this Court by its Order dated 02.08.2019, directed the applicants in A.No100 of 2018, 569 of 2018, 832 of 2015, 833 of 2015 and 477 of 2015 to meet the Official Liquidator along with their respective counsel on 06.08.2019 at 3.00 p.m. It is not disputed today that the concerned parties with their respective counsel met the Official Liquidator and a meeting was organized in this regard and the minutes have also been finalized in this regard.

4. It is admitted before this Court that the applicant in A.No.100 has been allotted an alternative plot in Survey No.435 and Applicant in A.No.832 of 2015 was allotted alternative plot in survey no.419 and the applicant in A.No.569 of 2018 was allotted in S.No.172 of 2018 and the applicant in A No.477 of 2015 was allotted plots in survey nos.295, A34, A42, A47. Those allotments have not been disputed and both sides have agreed the same before this Court. Only the minutes has not been filed before this court. However, the allotment indicated before this Court has not been disputed and all the parties have agreed the same.

5. In view of the fact that alternative plots have been provided and identified, this Court is of the view that there is no difficulty in directing the Official Liquidator to hand over roads indicated in the lay out for the proper maintenance by the concerned Government bodies, like panchayat. Similarly all the water bodies identified in the area shown in the plan also to be handed over to the concerned panchayat.

6. The Official Liquidator shall execute necessary sale deed in respect of the alternative sites as agreed before this Court in favour of the petitioners and also execute gift deeds in favour of the respective panchayats and for enabling such execution of the document, the Collector Kancheepuram is directed to give exact survey number and extent of roads to the Official Liquidator. The Official Liquidator can also take help of the Government Surveyor for any identification whenever is required.

7. It is undisputed fact that the plan has been prepared by the Government based on the actual position of the Government layout. Such being the position, the Official Liquidator is directed to act as per the Government plan. For completing such exercise issued above, the Collector of Kancheepuram has to provide details of survey

numbers to the Official Liquidator within a month. Thereafter, the Official Liquidator shall execute the documents as directed within a period of two months.

8. In view of the above directions, the application Nos.1231, 1232 and 1233 of 2014, 832, 833 of 2015, 100, 569 of 2018 are closed.

9. Post the applications numbers 50, 51 and 49 of 2017 and 494 of 2018 on 06.09.2019.

16.08.2019

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