

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.19300 of 2018

and W.M.P.Nos.22705 and 22706 of 2018

1.M.Venkataraman

2.M.Rajesh

Rep. by Power of Attorney, 1st Petitioner,
M.Venkataraman. ... Petitioners

-vs-

1.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu-Natarajan
Buildings, Egmore, Chennai 600 008.

2.The District Collector,
Thiruvallur District,
Thiruvallur 602 001.

3.The Tahsildar,
Avadi Taluk, Avadi,
Thirumalai Rajapuram,
Railway Station Road, Chennai 600 054.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records of CMDA, the first respondent, pertaining to Second Master Plan for Chennai Metropolitan Area 2026 of Sekkadu Village of Avadi Taluk, Thiruvallur District, in respect of the agricultural lands in S.No. 134 of Sekkadu Village now having Town Survey Nos. 3/1 & 3/2 in Block No. 21 Ward 'F' of formerly Poonamallee Taluk presently Avadi Taluk, Thiruvallur District, with regard to its land use zone marked wrongly as water body and the consequential letter bearing

Letter No.C1/17540/2016 dated 13.4.2017 on the file of the 1st respondent, quash the same and to direct the first respondent to correct the land use zone of the petitioners Lands in S.No.134 of Sekkadu Village, now having Town Survey Nos. 3/1 & 3/2 in Block No. 21 Ward 'F' of formerly Poonamallee Taluk presently Avadi Taluk, Thiruvallur District, as that of agricultural lands in conformity with the title documents, revenue records and Orders in WP 25248 and 25249 of 1997 dated 12.2.2002.

For Petitioners : Mr.R.Selvakumar

For Respondents : Mr.Karthik Rajan
Stdg. Counsel for R-1

: Mr.S.Kamalesh Kannan
Govt. Advocate for RR 2 and 3

O R D E R

(Order of the Court was made by M.DURAISWAMY, J.)

The petitioners have filed the above writ petition to issue writ of certiorarified mandamus, to call for the records pertaining to the impugned order dated 13.04.2017 in respect of S.No. 134 of Sekkadu Village now having Town Survey Nos. 3/1 & 3/2 in Block No. 21 Ward 'F', formerly Poonamallee Taluk, presently Avadi Taluk, Thiruvallur District and to quash the same. As per the impugned order dated 13.04.2017, the land in S.No.134 has been classified as water body. Challenging this order, the petitioners have filed the writ petition.

2.Respondent no.3, The Tahsdilar, Avadi Taluk, has filed a status report dated 22.01.2019 wherein he has stated that the land in S.No.134 is a ryotwari dry land.

3.The learned counsel appearing for the first respondent/CMDA submitted that in view of the status report filed by respondent no.3, if the petitioners submit an application under Section 32 (4) of the Town and Country Planning Act, 1971, the same would be considered in accordance with law.

4. In view of the statement made by the learned counsel on either side, we give liberty to the petitioners to give an application under Section 32 (4) of the Town and Country Planning Act, 1971, to the first respondent, for re-classification of the land in S.No.134 and if such an application is submitted by the petitioners, the first respondent shall consider the same on merits and in accordance with law.

With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.22705 and 22706 of 2018 are closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

sra

To

1. The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu-Natarajan
Buildings, Egmore, Chennai 600 008.
 2. The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
 3. The Tahsildar,
Avadi Taluk, Avadi,
Thirumalai Rajapuram,
Railway Station Road, Chennai 600 054.
- +1cc to Mr.G.R.Selvakumar, Advocate SR.No.4884
+1cc to Mr.Karthik Rajan, Advocate SR.No.4644
+1cc to Mr.R.Selvakumar, Advocate SR.No.5582
+1cc to Government Pleader SR.No.4815

W.P.No.19300 of 2018

VG II (CO)
GMY (15/02/2019)