

In the High Court of Judicature at Madras

Dated : 24.2.2020

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.31610 of 2013

M/s.Trishul Concrete Products Limited,  
rep.by its authorized signatory  
V.Jeevagan, 'Dhun Building', 827,  
Anna Salai, Chennai-2.  
now amalgamated with  
The India Cements Limited,  
Dhun Building, 827, Anna Salai,  
Chennai-2

(cause title amended vide order of  
court dated 24.2.2020 by TSSJ in  
WMP.No.6319 of 2020) ...Petitioner

Vs

- 1.The Government of Tamil Nadu,  
rep.by the Secretary, Department  
of Housing & Urban Development,  
Secretariat, Fort.St.George,  
Chennai-9.
- 2.The Directorate of Town &  
Country Planning, rep.by its  
Director, Opposite to LIC,  
Chengalvarayan Building, 4<sup>th</sup> Floor,  
Anna Salai, Chennai-2.
- 3.The Chennai Metropolitan Development  
Authority, rep.by its Member Secretary,  
Egmore, Chennai-8.
- 4.Minjur Panchayat Union, rep.by its  
Commissioner, Minjur-601203. ... Respondents

PETITION under Article 226 of The Constitution of India  
praying for the issuance of a Writ of Certiorarified Mandamus to  
call for the records comprised in the impugned order of the  
third respondent bearing Letter No.1/2309/2011 dated 21.7.2011,  
quash the same as being arbitrary and illegal and consequently

direct the respondents to process the petitioner's application for cancellation of the layout at Vallur Village, Minjur Panchayat Union, Ponneri Taluk, Chengalpet District of Tamil Nadu and cancel the gift deed dated 02.12.1989 entered into between the petitioner and 7 others and the fourth respondent herein registered as Document No.5798 of 1989 in the Office of Sub- Registrar, Thiruvottiyur in order to allow for development of the areas for useful purposes.

For Petitioner : Mr.Rahul Balaji  
For Respondents 1 & 2 : Mr.M.D.Ilayaraja, GA  
For Respondent-3 : Mr.P.S.Ganesh  
Standing Council  
For Respondent-4 : Mr.S.Gunasekaran

ORDER

I have heard the learned counsel for the parties.

2. Earlier, one M/s.Trishul Concrete Products Limited filed this writ petition. Presently, pursuant to the order dated 20.4.2017 passed by the National Company Law Tribunal, Division Bench, Chennai under Section 232 of the Companies Act, 2013, the said company has been amalgamated with The India Cements Limited. Therefore, the cause title shall indicate the name of the new company below the name of the petitioner company.

3. The petitioner prayed to quash the order passed by the third respondent and to direct the respondents to process the petitioner's application for cancellation of the layout at Vallur Village, Minjur Panchayat Union, Ponneri Taluk, Chengalput District and cancel the gift deed dated 02.12.1989 entered into between the petitioner and 7 others and the fourth respondent herein registered as Document No.5798 of 1989 in the Office of Sub- Registrar, Thiruvottiyur.

4. On account of certain events, which took place during the pendency of this writ petition, it is not necessary for this Court to test the correctness of the impugned order. The impugned order has worked itself out because of the fact that the third respondent considered the petitioner's application for cancellation of the layout, which was approved and for re-conveying the lands, which were gifted by the petitioner at the time of promoting the layout.

5. The petitioner submitted a representation on 07.5.2018 to the fourth respondent panchayat union requesting for cancellation of the layout and they placed reliance upon a Government Order in G.O.D.No.526 Municipal Administration and Water Supply Department dated 14.8.2015. The said representation

was considered by the fourth respondent and a report was submitted to the third respondent on 22.10.2018. The third respondent, by proceedings dated 24.5.2019, considered the proposal favourably and directed the fourth respondent to take further action for sending the re-conveyance proposal for consideration of the Government and obtain necessary orders of the Government in the Municipal Administration and Water Supply Department for re-conveyance of the road/open space reservation area lying in the approved layout PPD/LO No.242/1990 along with the Council's resolution of the Local Body resolving for the cancellation of the gift deed and re-conveyance of road except 60' road running north to south/OSR spaces lying in the approved layout.

6. In terms of these directions, the fourth respondent passed a resolution on 19.7.2019 and also addressed to the Sub-Registrar, Tiruvotriyur by letter dated 29.7.2019 to ascertain as to whether any sales has been effected in the approved housing layout. The fourth respondent also addressed to the District Collector as regards the area, which has been earmarked for certain public purposes such as park, etc. The Sub-Registrar, Tiruvotriyur, by communication dated 06.8.2019, certified that there was no encumbrance in the property and a copy of the encumbrance certificate has been enclosed. The District Collector, in turn, addressed to the Director of Rural Development and Municipal Administration by proceedings dated 19.10.2019. Thus, the request made by the petitioner has been favourably considered and proceedings have been issued by all the Authorities and it is for the Government to take a decision in the matter.

7. In the light of the above, the writ petition is disposed of by directing the petitioner to pursue the matter before the respondents and in particular before the Additional Chief Secretary, Department of Rural Development and Panchayt Raj, Government of Tamil Nadu, Chennai and the Director of Rural Development and Municipal Administration, Saidapet, Chennai-15, who shall consider the recommendations/proposals of the respondents/Authorities and pass orders on merits and in accordance with law as expeditiously as possible and preferably within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu, Department of  
Housing &  
Urban Development, Secretariat, Fort.St.George, Chennai-9.

2.The Director, Directorate of Town & Country Planning, Opposite  
to LIC,  
Chengalvarayan Building, 4<sup>th</sup> Floor, Anna Salai, Chennai-2.

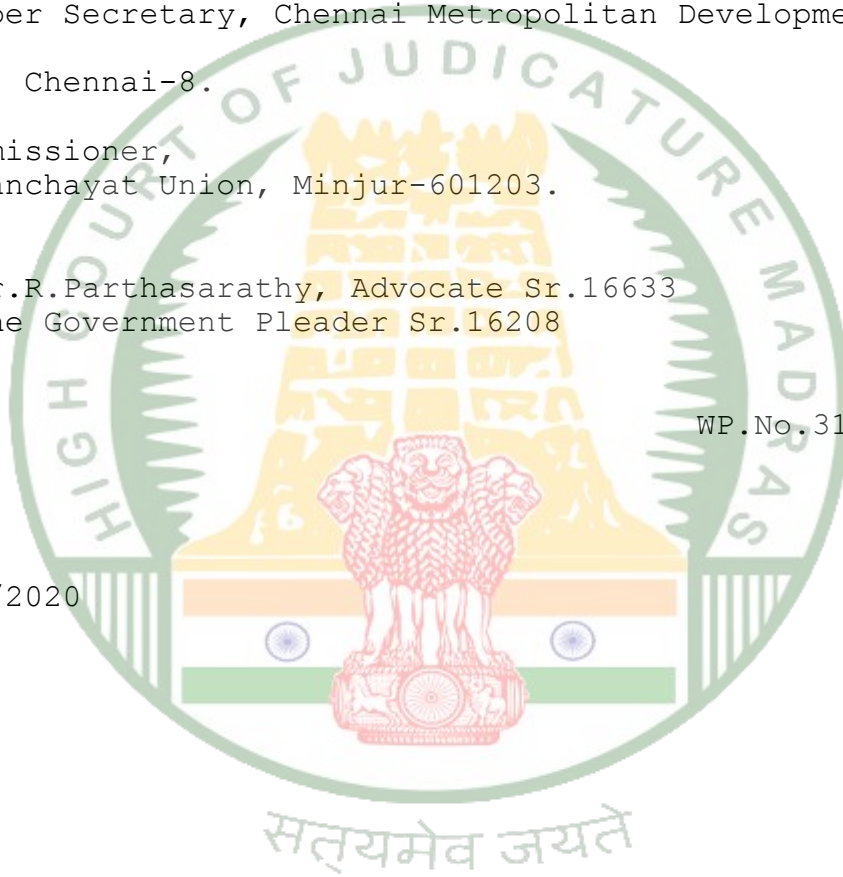
3.The Member Secretary, Chennai Metropolitan Development  
Authority,  
Egmore, Chennai-8.

4.The Commissioner,  
Minjur Panchayat Union, Minjur-601203.

+1cc to Mr.R.Parthasarathy, Advocate Sr.16633  
+1cc to the Government Pleader Sr.16208

WP.No.31610 of 2013

SVI[co]  
srg 30/07/2020



WEB COPY