



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NOS.17819 TO 17822 OF 2013 &
M.P.NOS.1 TO 1 OF 2013

P.Dhayalan	..	Petitioner in W.P.No.17819 of 2013
M.Sekar	..	Petitioner in W.P.No.17820 of 2013
Dr.Ahamad Badsha	..	Petitioner in W.P.No.17821 of 2013
S.Palani	..	Petitioner in W.P.No.17822 of 2013

Vs.

1. State of Tamil Nadu,
represented by Secretary to Govt.,
Housing & Urban Development
Department, Secretariat,
Fort St. George, Chennai 600 009.

2. Chennai Metropolitan Development Authority,
represented by its Member Secretary,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.

.. Respondents
in all the four WPs.

Common Prayer: Writ Petitions filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 30.09.2012 and consequently to provide alternative house site.

In all WPs.

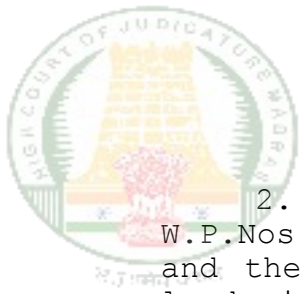
For Petitioner : Mr.A.Jenasenan

For R1 : Mr.G.Krishnaraja, Govt. Advocate

For R2 : Mr.P.S.Ganesh

COMMON ORDER

The prayer made in these writ petitions is to issue a mandamus directing the respondents to consider the petitioners' representation dated 30.09.2012 through Lakshmi Nagar Residents Welfare Association and provide alternative house site to them.



2. According to the petitioners, the petitioners in W.P.Nos.17819 & 17820 of 2013 purchased lands in Prakash Nagar and the petitioners in W.P.Nos.17821 & 17822 of 2013 purchased lands in Lakshmi Nagar, Thirunindravur, Thiruvallur District and have been living in the same by constructing houses. While so, they came to know that an outer ring road was proposed to be laid down from Vandalur to Minjur, which would cause the destruction of several houses put in Lakshmi Nagar and the adjacent Prakash Nagar. Hence, the petitioners gave representation dated 30.09.2012 through their Association, seeking to provide alternate site, instead of granting compensation. Finding no response on the said representation, they have come up with these writ petitions for the aforesaid relief.

3.Reiterating the averments made in the counter affidavits, the learned counsel appearing for the 2nd respondent submitted that the writ petitions have been filed against the Land Acquisition proceedings for Outer Ring Road project by CMDA. As per the Land Acquisition Act, there is no provision to provide alternate land. If the request of the petitioners is entertained, it shall be set as a bad precedent. Under these circumstances, the claim of the petitioners cannot be considered.

4. The learned counsel for the petitioners denying the averments made in the counter affidavits submitted that pursuant to the order of this Court in W.P.No.35705 of 2003 dated 08.12.2003, the very same respondent authorities already provided an alternative site to one M.C.Joseph Vijay, whose land was sought to be acquired for expansion of inner circle road. Hence, the learned counsel sought to extend the same benefit to the petitioners herein, who are the similarly placed persons, by considering the representation submitted by them through their association, in this regard.

5. On the other hand, the learned Government Advocate appearing for the 1st respondent fairly submitted that the respondent authorities would consider the claim of the petitioners and pass orders, on merits, within a time frame to be stipulated by this Court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the representation of the petitioners dated 30.09.2012 submitted through their association and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioners, within a period of eight weeks (8) from the date of receipt of a copy of this order.



7. All the Writ Petitions are disposed of accordingly. No costs. Consequently, the connected Miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Govt.,
Housing & Urban Development
Department, Secretariat,
Fort St. George,
Chennai 600 009.
2. Member Secretary, Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.
Vaniyambadi Village & Taluk, Vellore District.

+2ccs to Mr.A.Jenasenan, Advocate, S.R.No.32169
+1cc to the Government Pleader, S.R.No.32604

W.P.Nos.17819 to 17822 of 2013 &
M.P.Nos.1 to 1 of 2013

PCH(CO)
PM/14/09/2021