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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.4257 OF 2021

G. Duraisamy Naidu

S/o.Mohana Rangaiya Naidu,No:11, 2nd Main
Road, Anna Nagar East, Chennai 600 102.

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Member Secretary,
Chennai Metropolitan Development Authority (CMDA),
Egmore, Chennai - 600 008.
3. The Chief Planner (Reclassification),
Chennai Metropolitan Development Authority (CMDA),
Egmore, Chennai - 600 008.
4. The Senior Planner (Reclassification),
Chennai Metropolitan Development Authority (CMDA),
Egmore, Chennai - 600 008.
5. The Assistant Planner (Reclassification),
Chennai Metropolitan Development Authority (CMDA),
Egmore, Chennai - 600 008.

...Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 2nd and 3rd respondents to effect paper publication concerning Reclassification of lands comprised in various survey numbers covered in vide File No. R1/11912/2020 and place before the Technical Committee and Authority meeting to effect Government Orders within the time stipulated by this Court.

For Petitioner : M/s.M.R.Elavarasan

For Respondents : M/s.U. Baranidharan
Government Advocate for R1

M/s. Karthik Rajan
Standing Counsel
for R2 to R5 (CMDA)

O R D E R

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd and 3rd respondents to effect paper publication concerning reclassification of the land in the subject property and to place it before the Technical Committee to effect Government Orders within the time frame fixed by this Court.

2. The case of the petitioner is that he is the absolute owner of the subject property and he decided to develop the property along with the adjacent land owners. The lands in question are agricultural lands and hence, it requires a re-classification for the purpose of developing the lands into a layout.

3. The petitioner therefore submitted an application along with all the necessary documents on 30.10.2020 to the CMDA and also remitted the necessary charges towards paper publication and scrutiny fees.

4. The grievance of the petitioner is that the 2nd and 3rd respondents did not proceed further to effect paper publication and place the files before the Technical Committee to effect



Government Orders permitting the re-classification of the lands. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

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5. The 2nd respondent has filed a counter affidavit. It is seen from the counter affidavit that the proposal submitted by the writ petitioner was examined and the petitioner was asked to furnish certain particulars through a letter dated 05.01.2021. In response to the same, the petitioner also furnished the necessary particulars and also made the necessary payment towards paper publication charges.

6. The learned standing counsel appearing on behalf of the 2nd and 3rd respondents submitted that the paper publication has been effected on 12.06.2021 and what remains is to place the file before the Technical Committee and effect the Government Order permitting the re-classification of the lands.

7. The learned counsel for the petitioner submitted that some time limit may be fixed for the respondents to complete this process since already the paper publication has been effected.

8. Taking into consideration the facts and circumstances of the case and the subsequent developments that have taken place in this case, there shall be a direction to the 2nd and 3rd respondents to place the files before the first respondent and the first respondent is directed to proceed further and deal with the same strictly in accordance with the law and necessary orders shall be passed within a period of twelve weeks from the date of receipt of a copy of this order.

9. The petitioner is directed to make a fresh representation to respondents 1 to 3 along with all the relevant documents and also a copy of this order.



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10. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

RAP/RR

To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai - 600 009.
2. The Member Secretary,
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5. The Assistant Planner (Reclassification),
Chennai Metropolitan Development Authority (CMDA),
Egmore, Chennai - 600 008.

+1cc to Mr.K.Balu, Advocate, S.R.No.44828
+1cc to Mr. Karthik Rajan, Advocate, S.R.No.45291
+1cc to the Government Pleader, S.R.No.45523

W.P.No. 4257 of 2021

SMI(CO)
RLP(21/09/2021)