



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2284 of 2015
and MP.No.1 of 2015

IHFD Nagar Residential Welfare Association,
Rep.by its Secretary Mr.C.Swamynathan,
Having office at C1, IHFD Nagar,
Adhanur, Madipakkam Post - 603 202.

... Petitioner

Vs

1. The District Collector,
Kancheepuram.
2. The Deputy Director,
Town and Country Planning Authority,
No.13, Varadharajan Street,
Chengalpattu.
3. The President, Adhanur Panchyat,
Adhanur, Madampakkam Post,
Sriperambadur Taluk,
Kancheepuram District.
4. Southern Housing Corporation Ltd.,
Rep.by its Chairman M.Marimuthu,
37/10, Sorojini Street, T.Nagar,
Chennai - 600 017.
5. A.P.N.Thamarai Gajendran
6. K.Srinivasan
7. S.Ambika

... Respondents

Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the
respondents 1 & 2 herein to restore the OSR land, Setback, and



vacant place land in Survey No.328/1A Adhanur Village, Sriperambadur Taluk from the 5th respondent.

For Petitioner : Mr.J.Nandagopal

For R1 & R2 : Mr.G.Krishnaraja,
Government Counsel

For R3 : Mr.R.Ravichandran

For R4 : Mr.G.K.Loganathan

ORDER

The relief sought for in this writ petition is to direct the respondents 1 & 2 to restore the OSR land, setback and vacant land in Survey No.328/1A of Adhanur Village, Sriperambadur Taluk from the fifth respondent.

2.It is the case of the petitioner Association that they already preferred a suit in O.S.No.189 of 2011 before the District Munsif-cum-Judicial Magistrate, Sriperambadur, and obtained an order of interim injunction not to interfere with the peaceful possession and enjoyment of the property within the boundary of the flats IHFD Nagar Apartment. However, the fourth respondent, without any authority or right, sold 3600 sq.ft of land out of 0.59 cents, situated at eastern side of the boundary of the IHFD Nagar apartments, which was earmarked as OSR land, set back and vacant land open space reserved, under the approval given by the first respondent to the fifth respondent through a sale deed dated 21.03.2013 under Doc.No.3815 of 2013 on the file of SRO, Guduvancherry and 1200 sq.ft of land out of 0.59 cents to the respondents 6 and 7 through sale deed dated 08.05.2013 under document no.6268/2013 on the file of SRO, Guduvancherry. Now, the fourth respondent is negotiating with the prospective purchasers to sell another 10 cents of land situated in the western side of the apartments near F Block in S.No.250/1 & 2 which is also earmarked as OSR land, setback and vacant place land in the approval given by the first respondent under DTCP No.D.Dis.44615/09/ba2. Feeling aggrieved, the petitioner made a representation dated 12.11.2014 to the respondents herein to take appropriate action to restore the OSR land, set back and vacant land in S.No.328/1A, Adhanur village, Sriperumbudur Taluk.



However, no fruitful action was forthcoming, which compelled the petitioner to file this writ petition for the aforesaid relief.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the petitioner's representation dated 12.11.2014 is directed to be considered by the respondent authorities, on merits, within a reasonable time to be fixed by this Court, for which, the learned counsel appearing for the respondents has no serious objection.

4.Having regard to the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondent authorities to consider the petitioner's representation dated 12.11.2014, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as any other interested parties. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram.
2. The Deputy Director,
Town and Country Planning Authority,
No.13, Varadharajan Street,
Chengalpattu.



3. The President, Adhanur Panchyat,
Adhanur, Madampakkam Post,
Sriperambadur Taluk,
Kancheepuram District.

4. The Chairman,
Southern Housing Corporation Ltd.,
37/10, Sorojini Street, T.Nagar,
Chennai - 600 017.

+1cc to the Government Pleader, S.R.No.44252

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PCH(CO)
SB(06/10/2021)