

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN

**Writ Petition No.9716 of 2021 &
WMP.No.10318 of 2021**

C. Manthiram @ C.Mandiram

... Petitioner

-Vs-

1. The Member-Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

2. The Divisional Engineer (H) C&M,
Chennai City Roads Division,
Saidapet, Chennai-15.

3. Special Tahsildar (LA), Highways,
Mambalam-Guindy Taluk,
Collectorate, Chennai-1.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 26.03.2021 and to issue Development Rights Certificate to the petitioner for the acquisition of his lands measuring 9 ½ cents situated in Survey No.332/3, Velachery Village, Chennai, acquired for the purpose of formation of Southern Sector of Inner Ring Road, Velachery, Phase-I in lieu of compensation, like issued Development Rights Certificate to the similarly placed neighbouring Land Owners Mrs.Vijayalakshmi Narayanan, Mr.T.N.Chandrashekar and Mr.T.N.Ramakrishnan in

D.R.C.No.027/2015 dated 03.07.2015 by complying/obeying the judgment made in W.P.No.28744 of 2014 dated 30.03.2015 by this Court.

For Petitioner : Mr.P.Chandrasekaran
For R1 : Mr.P.Tamilmani
For R3 : Mr.J.Ramesh, AGP

ORDER

The relief sought in this Writ Petition is to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 26.03.2021 and issue Development Rights Certificate to him, for the acquisition of his lands measuring 9½ cents situated in Survey No.332/3, Velachery Village, Chennai, for the purpose of formation of Southern Sector of Inner Ring Road, Velachery, Phase-I in lieu of compensation, as issued to the similarly placed neighbouring Land Owners viz., Vijayalakshmi Narayanan, T.N.Chandrashekar and T.N.Ramakrishnan in D.R.C.No.027/2015 dated 03.07.2015 pursuant to the order of this Court dated 30.03.2015 in W.P.No.28744 of 2014.

2.It is the case of the petitioner that he is the owner of the land comprised in S.Nos.332/1 and 332/2 as per Patta No.4948 New

T.S.No.332/3, measuring to an extent of 11760 sq.ft. Situated at Velachery Village, Mambalam-Guindy Taluk, Chennai, through sale deed bearing Doc.No.383 of 1985 dated 27.03.1985. From the date of purchase, he has been in possession and enjoyment of the same. While so, the third respondent after following due formalities, acquired an extent of 9½ cents from the petitioner's land for the purpose of formation of Southern Sector of Inner Ring Road, Velachery Phase I. Thereafter, the District Collector passed an Award bearing No.01/2010 dated 31.08.2010, fixing compensation for the acquired land belonging to the petitioner and also deposited the same before the Civil Court under Section 22(3) of the Tamil Nadu Highways Act, which was not received by the petitioner till date.

3.It is the further case of the petitioner that his neighbouring land owners viz., Vijayalakshmi Narayanan, T.N.Chandrashekar and T.N.Ramakrishnan, who are the similarly placed persons like that of the petitioner and whose lands are also covered in the same Award No.1/2010, were issued with Development Rights Certificate by the CMDA in lieu of compensation amount, pursuant to the order of this Court dated 30.03.2015 in W.P.No.28744 of 2014. Hence, the petitioner filed IA.No.1 of 2021 to restore LAOP No.117 of 2012 filed by the Referring Authority, which was

closed, for want of service on him. During the pendency of the said application, he made a representation dated 26.03.2021 to the first respondent with a copy marked to the second respondent, requesting to issue Development Rights Certificate, in lieu of compensation awarded for his acquired land. Finding no response on the said representation, he has come up with this writ petition for the aforesaid relief.

4.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that by order dated 27.04.2021 passed by the VI Assistant City Civil Judge, Chennai, the application filed by the petitioner was allowed and the reference in LAOP.No.117 of 2012 was reopened for fresh consideration. The learned counsel further submitted that though the first respondent received the representation of the petitioner dated 26.03.2021 for the relief as stated in this writ petition, he did not take any action, till date. Hence, the learned counsel prayed for appropriate direction to the first respondent in this regard.

5.On the other hand, the learned counsel appearing for the first respondent fairly submitted that the first respondent would consider the representation of the petitioner and pass orders, on merits, within a

reasonable time to be fixed 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 first respondent to consider the representation of the petitioner dated 26.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7.This writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

29.04.2021

Index : Yes/No
Internet : Yes/No
msr

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R. MAHADEVAN, J.

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To

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