



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.22709 of 2021

V.Sakunthala

... Petitioner

Versus.

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 Road Division,
Saidapet, Chennai - 600 015.
3. The Land Acquisition Officer/
The Special Tahsildar, (L.A.),
Chennai - Unit
Collectorate,
Chennai - 600 001.

....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 15.09.2021 and to issue Development Rights Certificate to the petitioner for the acquisition of his lands in S.No.332/4 and 332/8 measuring about 10 cents, Velachery Village, Chennai, acquired for the purpose of formation of Southern Sector of Inner Ring Road, Velachery, to the similarly placed neighboring land owners namely Vijayalaksmi Narayanan, T.N.Chandrasekar and 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.S.Sivaraman

For Respondents: Mr.V.Veluchamy
Government Advocate



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 15.09.2021 and issue Development Rights Certificate to her, for the acquisition of her lands measuring 10 cents situated in Survey Nos.332/4 and 332/8, 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, Mr.T.N.Chandrashekar and Mr.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 she is the owner of the land comprised in S.Nos.332/1 and 332/2, R.S.No.332/4 and 335/8 as per Patta No.4949 New T.S.No.332/3, measuring to an extent of 11760 sq.ft. situated at Velachery Village, Mambalam-Guindy Taluk, Chennai District, through sale deed bearing Doc.No.381 of 1985 dated 27.03.1985. From the date of purchase, she has been in possession and enjoyment of the same. While so, the third respondent after following due formalities, acquired an extent of 10 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 her 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 an IA.No.1 of 2021 to restore LAOP No.115 of 2012 filed by the Referring Authority, which was closed, for want of service on her. During the pendency of the said application, she made a representation dated 15.09.2021 to the first respondent with a copy marked to the second respondent, requesting to issue Development Rights Certificate, in lieu of compensation awarded for her acquired land. Finding no response on the said representation, she 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 the application filed by the petitioner before the learned VI Assistant City Civil Judge, Chennai, and the reference in LAOP. No.115 of 2012 and the same are pending for fresh consideration. The learned counsel further submitted that though the first respondent received the representation of the petitioner dated 15.09.2021 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 15.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gba/msm

To

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+1cc to Mr.S.Sivaraman, Advocate, S.R.No.54780

W.P.No.22709 of 2021

GSM(CO)
SB(01/12/2021)