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W.P.No.22464 of 2013 and batch of cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22464 of 2013 and M.P.Nos.1 to 3 of 2013

W.P.No.24463 of 2013 and M.P.Nos.1 & 2 of 2013 and 1 of 2014

**W.P.Nos.24914 to 24916 of 2013 and M.P.Nos. 1 to 3 of 2013
and 1 of 2014**

**W.P.Nos.27226 to 27228 of 2013 and M.P.Nos.1 & 2 of 2013
and 1 of 2014**

W.P.Nos.3577 to 3579 of 2014 and M.P.Nos.1 & 2 of 2014

W.P.No.5771 of 2014 and M.P.Nos. 1 & 2 of 2014

W.P.No.22464 of 2013:

- 1.N.Athimoolam
- 2.Meenakshi
- 3.K.R.Udayakumar
- 4.P.Maheswari
- 5.D.Vincent
- 6.P.Muthusamy

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.



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- 2.The District Collector,
Kanchipuram District,
Kanchipuram.
- 3.The Member Secretary,
CMDA, Egmore,
Chennai – 600 008.
- 4.The Special Tahsildar, (L.A)
CMDA, Koyambedu,
Chennai – 600 092.
- 5.The District Revenue Officer,
Sriperumbudur Taluk,
Kanchipuram District.
- 6.The Managing Director,
TNRDC, Sindu Plaza,
2nd Floor, 346,
Pantheon Road, Egmore,
Chennai – 600 008.
- 7.The Assistant Commissioner,
Urban Land Ceiling,
No.153, Karuneeagar Street,
Alandur, Chennai – 600 016.
- 8.The Special Commissioner,
Land Reforms, Chepauk,
Chennai – 600 005.
- 9.The Sub Registrar,
Sub Registrar Office,
Kundrathur,
Chennai.

... Respondents



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(*R7 to R9 impleaded as per order dated 31.07.2014 by BRJ in M.P.No.1 of 2014 in W.P.No.22464 of 2013.)

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for the records of the first respondent in G.O.Ms.No.429 of 2010 (Revenue) dated 08.09.2010 quash the same in so far as it relates to the petitioners respective plots in Survey No.1292 to an extent of 1.81 Acres and 101 cents of land in Survey No.1293 at Kundrathur Village.

For Petitioner : Mr.G.Poonkundran
in all W.Ps

For Respondents 1, 2, 4 & 5 : Mr.T.K.Saravanan,
in all W.Ps Government Advocate

For Respondent 3 : Mr.R.Arun Kumar
in W.P.No.22464 of 2013 Standing Counsel for CMDA

For Respondent 3 : M/s.P.Veena Suresh,
in other W.Ps Standing Counsel for CMDA

For Respondent 6 : Mr.M.Sivaventhnan
in all W.Ps

ORDER

Since the issue involved in all these writ petitions are one and the same. Accordingly, they are taken together for consideration.



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2. The learned counsel for the petitioners would submit that the petitioners purchased different plots comprised in Survey Nos.1292 to an extent of 10.81 acres and 1293 to an extent of 101 cents situated at Sri Boopala Vinayagar Nagar, Kundrathur Village, till date, they are in possession and enjoyment of the properties. On earlier occasion, the vendor of the petitioners made an application before the Urban Land Ceiling Authority, seeking, whether the aforesaid land was coming under the purview of the Urban Land Ceiling Act, 1976. On receipt of the said application, the Urban Land Ceiling Authority vide proceeding in Na.Ka.No.1438/94A dated 06.07.1994 stated that the said land was not coming under the purview of the Urban Land Ceiling Act. This being so, the Urban Land Ceiling Authority without issuing any notice to the petitioners, acquired the land for the purpose of outer ring road project and transferred the land in favour of the C.M.D.A and issued an order in G.O.Ms.No.429/2010 Revenue M.Nee.Mu 5(1) Department dated 08.09.2010. Challenging the same, these writ petitions are filed.

3. On the above contentions, heard the learned counsel appearing for the respondents and perused the materials placed on record.



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4. The facts of the present case is not in dispute. The claim of the petitioners is that the petitioners plots comprised in Survey Nos.1292 and 1293 was acquired by the Urban Land Ceiling Authority and transferred the same in favour of C.M.D.A for the purpose of ring road project, whereas on perusal of the impugned order dated 08.09.20210 reveals that the land comprised in Survey Nos.1292/1A to an extent of 68 cents and 1293/1 to an extent of 42 cents was transferred in favour of C.M.D.A and not the petitioners' land comprised in Survey Nos.1292 and 1293. Hence, the grievance of the petitioners are misconceived.

5. Accordingly, these writ petitions are dismissed. However, liberty is granted to the petitioners to workout their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

20.09.2022

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Index : Yes/No

Speaking Order : Yes/No

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Sub Registrar Office,
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M.DHANDAPANI,J.

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