



WEB COPY



W.P.Nos.1449,1450 and 1773 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.1449,1450 and 1773 of 2008

&

M.P.Nos.1,1 and 2,2 of 2008

Godrej & Boyce Mfg.Co.LTd

1, SIDCO Industrial Estate

Ambattur

Chennai-600 098

rep by its General Manager-Commercial (South)

MR.V.S.Narasimha

...Petitioner in all the cases

Vs.

The Commissioner

Ambattur Municipality

Ambattur

Chennai-600 053

... Respondent in all the cases

PRAYER in W.P.No.1449 of 2008: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the respondent culminating in passing of the impugned order bearing Notice No.75/07/F1/ dated 10.12.2007 and quash the same.

PRAYER in W.P.No.1450 of 2008: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified



W.P.Nos.1449,1450 and 1773 of 2008

mandamus to call for the records of the respondent culminating in passing of order UAC.No.75/2007/F1/ dated 03.01.2008 and consequently forbear the respondent with respect to the land in Survey No.172, Ambattur Village, admeasuring 1399 sq.mt and the building admeasuring 201 sq.mt thereon.

PRAYER in W.P.No.1773 of 2008: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records of the respondent culminating in passing of order UAC.No.75/2007/F1/ dated 03.01.2008 and consequently forbear the respondent from interfering with the peaceful possession and enjoyment of the petitioner with respect to the building in Survey No.175, Korattur Village, admeasuring 2750 sq.mt.

For Petitioner : Mr.Krishna Srinivasan, Senior Counsel
for
M/s. S.Ramasubramanian Associates

For Respondent : Mr.G.T.Subramanian

COMMON ORDER

The case of the Petitioner company is that they have a large extent of land in Ambattur Village comprised of several survey numbers measuring about nearly 90,000 sq.ft (20.99) acres of land in No.1, SIDCO Industrial Estate, Ambattur and they have also constructed building in the said



W.P.Nos.1449,1450 and 1773 of 2008

measuring 90,000/- sq.ft. When the additional construction work was proceeded admeasuring 54,000 sq.ft the respondent has served a notice dated 10.12.2007 for demolition of the aforesaid superstructure. Hence the same has been challenged in these Writ Petitions.

2. Learned Senior Counsel appearing for the writ petitioners would submit that in an earlier writ petition filed by the petitioner, the petitioner has given an proposal for exchange of lands with the Government and the exchange proposal also is under process and submitted that in such view of the matter when the process is already commenced and with the Government, the Writ Petitions may be closed with a direction to the Government to expedite the exchange proposal as ordered by the Division Bench.

3. The order of the Hon'ble Division Bench in W.P.Nos.11104 of 2017 dated 11.06.2018, reads as under:

The petitioner made a challenge to the notice issued by the first respondent praying for approved plan. During the course of hearing the writ petition was entertained and notices were ordered. During the course of hearing, it was



submitted by the petitioner that he is willing to give lands comprised in Survey Nos.190(part), 192(part) and S.No.179(part) by way of exchange, and it may be considered and accordingly this Court had directed the petitioner to submit a fresh representation to the Secretary to Government, Government of Tamil Nadu, Municipal Administration and Water Supply Department, Fort. St. George, as well as to the Special Commissioner, Commissioner of Land Administration and the Commissioner, Corporation of Chennai with further direction to consider the said representation and pass orders.

2. Accordingly, the representation submitted by the petitioner for exchange of land was considered. In the minutes of the Joint Sitting convened by the Additional Chief Secretary/Commissioner of Land Administration which was held on 24.04.2018, the Chief Engineer, Water Resource Organization, Public Works Department has submitted a report and the same is reads as follows:

"1. The alternate drain in the exchanged land should be formed as per design at the cost of the Godrej & Boyce MFG.Co.Ltd in consultation with the PWD Officials

2. The area of the exchange land should not be less than the encroached area of the S.Nos. 175



WEB COPY



W.P.Nos.1449,1450 and 1773 of 2008

& 172 under occupation by the Godrej Company"

The committed based on the said report took the following decision:-

"In the joint discussion, it was decided that the alternative channel which is to be formed by the applicant should have the same width as the original channel so as to ensure that the new rerouted channel carries the flood water and the same gravity should be maintained upto Patravakkam channel and should also meet the purpose, served by the original channel. The alternative channel has to be formed by adopting the PWD, Water Resource Organization's technical norms and norms of storm water division of Greater Chennai corporation.

The Commissioner, Greater Chennai Corporation mentioned that residential area is located nearby and a sidewall strengthening the drainage system has to be provided in consultation with storm water drainage division to avoid the flooding of the new channel and inundation of the nearby residential area.

Based on the discussion of the Technical opinion obtained from the Chief Engineer/(PWD/WRO) and the suggestions made by the Municipal Administration Department, the Committee agreed to the formation of an alternative channel, subject to orders of the



WEB COPY



W.P.Nos.1449,1450 and 1773 of 2008

Hon'ble High Court. Further, the Government may reserve the right to review the Project if it is found later on that the alternative channel is not sufficient to carry the flood water during Monsoons.

Finally, the Committee has jointly resolved to submit the above decision before the Hon'ble High Court on 26.04.2018."

3. The learned counsel for the petitioner would submit that the petitioner for the purpose of ex-change of land, it is willing to abide by the condition as suggested and prays for outer time limit by directing the official respondent to obey.

4. This Court heard the submissions made by the learned counsel for the petitioner and also the learned counsel for the respondents.

5. The petitioner has also undertaken to comply with the requirements/conditions pointed by the Chief Engineer, Public Works Department in his report, which is extracted above and the committee has also agreed to the formation of an alternative channel subject to the orders passed by this Court in the Writ petition and the Government has also reserved the right to review the project, if it is found later on that the alternative channel is not sufficient to carry the flood water during monsoon.

6. In the light of the above said development, the writ petition is disposed of with a direction to



W.P.Nos.1449,1450 and 1773 of 2008

the Joint Commissioner (Land), Commissionerate of Land Administration, Chepauk, Chennai - 600 005, shall take into consideration the consent given by the petitioner to the said proposal and initiate proper proceedings and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner. The minutes of the Second Joint Sitting held on 24.04.2018 at 12.30 P.M. at the Chamber's of ACS/CLA to discuss and take a decision on the representation of M/s.Godrej & Boyce Mfg.Co.Ltd., to exchange Government land in lieu of equal extent of patta land, is taken on file and recorded.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

4. In view of the above order, no further orders are required to be passed in these writ petitions. Accordingly, these Writ Petitions are closed. Respondents are directed to expedite and conclude the above process within a period of twelve weeks. Though the Division Bench has already granted eight weeks time considering the fact that at the relevant point of time pandemic struck and nothing has moved , the respondent is directed to complete the process within a period of twelve weeks from the date of



W.P.Nos.1449,1450 and 1773 of 2008

receipt of a copy of this order. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.12.2022

kpr
Internet: Yes
Speaking/non-speaking order

To
The Commissioner
Ambattur Municipality
Ambattur
Chennai-600 053



WEB COPY



W.P.Nos.1449,1450 and 1773 of 2008

N. SATHISH KUMAR, J.

kpr

W.P.Nos.1449,1450 and 1773 of 2008

&

M.P.Nos.1,1 and 2,2 of 2008

08.12.2022