



WEB COPY



W.A.No.748 of 2011 & W.P.No.12044 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.A.No.748 of 2011 & W.P.No.12044 of 2011

W.A.No.748 of 2011

1.S.Janakiraman

2.J.Gajapathy

3.J.Sridhar

4.St.Alfred Education Trust,

Represented by its Managing Trustee,

Dr.John Alfred,

Egmore,

Chennai-600 008

... Appellants

versus

1.The Secretary to the Government of Tamil Nadu,
Housing & Urban Development (UD3(1)) Department,
Fort St.George,
Chennai-600 009.

2.The Special Deputy Collector, (LA),
Chennai Metropolitan Development Authority,
Chennai- 600 008.

3.Chennai Metro Rail Limited,
Represented by its Managing Director,
Door No.11/6, Seethammal Road,
Alwarpet,
Chennai-600 008

4.The Secretary to the Government of Tamil Nadu,
Education Department,
Fort St.George,
Chennai-600009.

... Respondents



WEB COPY



W.A.No.748 of 2011 & W.P.No.12044 of 2011

R4-Impleaded as party respondent vide order
dated 26.03.2012 in M.P.No.2/11
in W.A.No.748/2011

For Appellants

: Mr.V.P.Sengottuvel
Senior Counsel
for Mr.K.K.Nishanth

For Respondents

: Mrs.Geethathamarai Selvan
Special Government Pleader
for respondents 1 and 4
Mr.Ritachandrasekar
for third respondent
Mrs.K.Mageswari
Standing Counsel
for (CMDA) second respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent
against the order dated 21.12.2010 in W.P. No.32252 of 2004.

W.P.No.12044 of 2011

St.Alfred Education Trust,
Represented by its Chairman,
Dr.John Alfred,
Egmore,
Chennai-600 008

... Petitioner

versus

1.Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

2.Chennai Metro Rail Limited,
Represented by its Managing Director,
Door No.11/6, Seethammal Road,
Alwarpet,
Chennai-600 008



WEB COPY



W.A.No.748 of 2011 & W.P.No.12044 of 2011

3.The Secretary to the Government of Tamil Nadu,
Education Department,
Fort St.George,
Chennai-600009.

... Respondents

R3-Impleaded as per order
dated 26.03.2012 in M.P.No.2/11
& M.P.No.1/11 in W.A.No.748/2011
& W.P.No.12044/2011

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari calling for the entire records of the first respondent herein which culminated in the Notice dated 25.04.2011 with respect to the land and buildings comprised in S.Nos.159/1 to 6, 160/1 to 4, 163/1 and 2, 183/4 and 5, 188 and 57/1 to 11 situated at Koyambedu Village, Egmore -Nungambakkam Taluk, Chennai District.

For Petitioner:	Mr.V.P.Sengottuvel Senior Counsel for Mr.K.K.Nishanth
For Respondents	: Mrs.Geethathamarai Selvan Special Government Pleader for third respondent Mr.Ritachandrasekar for second respondent (CMRL) Mrs.K.Mageswari Standing Counsel for (CMDA) first respondent

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

Learned counsel appearing for the third respondent in Writ Appeal, has filed a counter-affidavit before this Court by stating that



W.A.No.748 of 2011 & W.P.No.12044 of 2011

the third respondent has already taken possession of the land in question and at present the land in question is in the exclusive possession and control of the third respondent and a compound wall has also been constructed in the aforesaid property.

2. Learned counsel for the appellant has submitted that the said statement made in the counter affidavit by the third respondent may be recorded and appropriate orders may be passed.

3. In view of the above submissions made by the learned counsel for the appellant, the statement made in the counter-affidavit, by the third respondent, is recorded and the writ appeal and writ petition stand disposed of. There will be no order as to costs. M.P.Nos.1 of 2011 & 1 of 2014 are closed.

[D.K.K., J.] [P.B.B., J.]
27.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



W.A.No.748 of 2011 & W.P.No.12044 of 2011

To

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4.The Secretary to the Government of Tamil Nadu,
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Fort St.George,
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WEB COPY



W.A.No.748 of 2011 & W.P.No.12044 of 2011

D.KRISHNAKUMAR, J.
and
P.B. BALAJI, J.

(mrn)

W.A.No.748 of 2011 &
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