



WEB COPY

W.P.No.8092 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8092 of 2023

Mr.Thirulogachander

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Kancheepuram – 631 501.
- 2.District Revenue Officer (Land Acquisition),
Chennai Peripheral Ring Road Scheme,
1st Floor, Departmental Office,
SIDCO Compound,
Ambattur Estate, Chennai 600 058.
- 3.The Special Tahsildar (Land Acquisition),
Chennai Outer Ring Road Scheme,
Alagu 5, MM Avenue,
Kancheepuram – 631 501.
- 4.The Block Development Officer,
Sriperumbudur,
Sriperumbudur Taluk,
Kancheepuram District.
- 5.Panchayat Union President,
Sengadu Village and Panchayat,
Sriperumbudur Taluk, Kancheepuram District.



6.The Sub-Registrar,
Sriperumbudur SRO,
Kancheepuram District – 602 105.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the impugned order in Na.Ka.A4/2009/2022/Se. A. Sa.Thi/Kandamangalam/Ni.A. dated 16.12.2022 and quash the same as illegal, arbitrary and devoid of merit, and consequentially direct the 4th, 5th and 6th respondents to cancel the Gift Deed dated 17.03.2014 in Document No.3079/2014 registered before the 6th respondent.

For Petitioner	: Mr.V.Prakash
For R1 to R3	: Mr.E.Sundaram Government Advocate
For R4 & R5	: Mr.D.Ravichander Standing Counsel [Greater Chennai Corporation]

ORDER

The writ petition has been instituted questioning the order dated 16.12.2022 passed by the 2nd respondent / District Revenue Officer (Land Acquisition).



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2. It is not in dispute that the petitioner submitted an application for approval of house site layout before the competent authority under the Tamil Nadu Town and Country Planning Act, 1971. The Director of Town and country planning, Chengalpattu granted approval of the layout on institution of the gift deed by the petitioner, which is the mandatory requirement under the provisions of the Act. Approached area of Open Space Reservation (OSR) was admittedly gifted to the civil authority even before the approval of layout by the planning authority. The gift deed was also acted upon and approval was granted. Thereafter, the Government acquired the entire lands for public purposes.

3. The petitioner claims that the portion of the gifted property is also to be construed as his own property and compensation is to be settled. In other words, the petitioner is claiming compensation in respect of OSR lands already gifted by him for the purpose of obtaining layout approval from the Director of town and country planning.

4. Once approval has been granted under the provisions of the town



and country planning on execution of the approach road area or an OSR, then such lands are belonging to the local authority and the petitioner is dis-entitled from claiming any right.

5. In respect of the acquisition proceedings, the compensation due to the erstwhile land owner was settled. As far as the OSR lands are concerned it belongs to the Government / local authority and the compensation is to be paid to such local authority and certainly not to the petitioner, who has gifted the property in favour of the local authority for the purpose of obtaining the layout approval. Thus, the petitioner has no right to claim compensation in respect of the OSR lands.

6. Accordingly, this Writ Petition stands dismissed. No costs.

25.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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