



WEB COPY



W.P. No. 10379 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 10379 of 2018

N. Dhanajayan

Vs

... Petitioner

1. The Ministry of Defence,
Government of India,
Represented by its Secretary,
South Block, New Delhi.
2. Directorate General Defence Estates,
Raksha Sampada Bhawan,
Ulaan Bataar Marg,
Delhi Cantt- 110010.
3. The District Collector,
Kancheepuram District.
4. The Tahsildar,
Tambaram,
Kancheepuram District.
5. The Commanding Officer,
Air Force Station,
Tambaram,
Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the fifth respondent to issue no objection certificate for construction of residential home in Survey No. 9/3B (now Survey No. 9/3B2 after sub-division) in Thiruvengeri Village, Tambaram Taluk, Kancheepuram District or in the alternative direct the 1st, 2nd and 5th respondents to acquire my lands in Survey No. 9/3B (now Survey No.9/3B2 after



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sub-division) in Thiruvenceri village, Tambaram Taluk, Kanchepuram District, as per prevailing guideline value by considering the representation of the petitioner dated 27.11.2018.

For Petitioner : Mr.Kandan Doraisami
For Respondents : Mr. V. Chandrasekaran
Senior Panel Counsel
for R1 and R2
Mr. S.J. Mohamed Sathik
Government Advocate
for R3 & R4

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the fifth respondent/The Commanding Officer, Air Force Station, Tambaram, Chennai to issue a no objection certificate for construction of residential house in Survey No. 9/3B (now Survey No. 9/3B2 after sub-division) in Thiruvenceri Village, Tambaram Taluk, Kanchepuram District.

2. The petitioner also seeks an alternate relief, namely, that if this particular permission to construct a house is not given, then the Court may direct the first, second and fifth respondents namely, Secretary, the Ministry of Defence, Directorate General Defence Estates, Raksha Sampada Bhawan and the Commanding Officer, Air



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Force Station, Tambaram, to acquire the lands of the petitioner in the aforementioned Survey Numbers and pay to the petitioner compensation at the prevailing guideline value. In this connection, the petitioner has also given a representation on 27.11.2018.

3. The petitioner was a member of the Administration Service. He has retired. He is aware of the rules and regulations. They need not be stated to him. He also knows that the Air Force Station at Tambaram is a most sensitive and protected defence station in the country. He had found land available within 15 to 25 meters from the peripheral wall of the Air Force Station, Tambaram. He has purchased the lands. It can only be termed as a speculative purchase. He probably wanted to put up construction as others have put up construction. He was a member of the Indian Administrative Service. He should have been more sensitive than anybody else and be cautious enough not to violate any rules and regulations. The rules provide that no construction should be put up within a distance of 100 meters specially from the peripheral wall of Air Force Station.

4. The learned Standing Counsel for the respondents have drawn attention of this Court to the said rules and regulations. They



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are S.R.O.No.11, which was issued on 08.02.2007. This was issued under the powers conferred to the proviso of Article 309 of the Constitution and issued in supersession to the Ministry of Defence (Civilian Photo Interpretation Office) Recruitment Rules, 1984.

5. This rule is self-explanatory. There is no dispute that the rules are in force. The rules state that no construction should be put up within 100 meters from any sensitive Air Force Station. The list of sensitive Air Force Stations have been listed out. They include the Air Force Station, Tambaram.

6. The petitioner is bound by the rules. If he had purchased lands abetting the peripheral wall of the Air Force Station, Tambaram, then he can only rest by enjoying the land as land, but certainly cannot put up any construction over the land.

7. I reject any call to bend the rules for the sake of the petitioner. I am confident that the petitioner being an retired I.A.S. Officer would also not accept the Court to bend the rules for his sake. I am also equally confident that the petitioner would appreciate that the rules should not be bent particularly, for putting up a private



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construction within 15 to 25 meters from the peripheral wall, in this case, of the Air Force Station, Thambaram.

8. The alternative relief which is sought namely to acquire the lands, again cannot be granted by this Court. This Court cannot thrust lands on to the Governments. This court cannot advise the Government to acquire any land and pay compensation.

9. The Writ Petition stands dismissed. No costs.

06.01.2023

Index: Yes/no
mrn



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C.V.KARTHIKEYAN, J.

(mrn)

To

1. The Secretary,
The Ministry of Defence,
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South Block, New Delhi.
2. The Directorate General Defence Estates,
Raksha Sampada Bhawan,
Ulaan Bataar Marg,
Delhi Cantt- 110010.
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