



WP Nos.16027 & 5413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP Nos.16027 & 5413 of 2023

WP No.16027 of 2023

Kumar Vedhasalam

: Petitioner

versus

- 1.The Government of Tamil Nadu
Rep.by its Principal Secretary
Revenue and Disaster Management Department
Secretariat, Chennai 600 009.
- 2.The Commissioner
Land Administration Department
Ezhilagam, Chepauk, Chennai 600 005.
- 3.The Principal Secretary /
Commissioner Greater Chennai corporation
Ripon Building, Chennai 600 003.
- 4.The District Collector
Chennai District Singaravelar Maligai
Rajaji Salai, Chennai 600 001.
- 5.The Revenue Divisional Officer
Chennai South Division, Guindy,
Chennai 600 032.

6.The Tahsildar

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Sholinganallur Taluk, Chennai 600 119.

7. The Village Administrative Officer
Sholinganallur Village
Sholinganallur Taluk
Chennai District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the issuance of the order in proceedings No.Na.Ka.24524/2018/J10 dated 21.10.2022 on the file of the 4th respondent, and set aside the same and consequently direct the respondents to restore the classification of land to its original classification.

For the Petitioner : Mr.Abdul Saleem,
Senior Counsel,
for Mr.M.Vijayamehanath

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for respondents 1, 2 & 4 to 7

Mr.S.Silambanan,
Additional Advocate-General,
for Ms.P.T.Rama Devi,
for the third respondent

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WP Nos.16027 & 5413 of 2023

Palm Garden Residents Welfare Association - Akkarai

Rep. by its Secretary

Capt. Shibu Isaac

: Petitioner

versus

1.The State of Tamil Nadu

Rep. by its Principal Secretary of Land Administration

Land Administration Department

Ezhilagam, Chepauk, Chennai 05

2.The Principal Secretary

Commissionerate of Revenue Administration

and Disaster Management Ezhilagam Building

Chepauk, Chennai 05

3.The Principal Secretary and Commissioner

Office of the Corporation of Chennai

Rippon Building, Chennai 03

4.The District Collector

Singaravelar Maaligai, Rajaji Salai

Chennai 1

5.The Tahsildar

Sholinganallur Taluk, Chennai 119

6.The District Revenue Officer

South Chennai, Little Mount,

Guindy, Chennai 32

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the 4th respondent herein in his proceedings/order in Na/Ka/No.24524/2018/J10 dated 21.10.2022



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classifying the lands in S.No.133, 0.46.00 hectare situated at Zone 15 Ward No.198, Shollinganallur Taluk from Government Poramboke - Field Poramboke to Government Poramboke LPG Gasifier Burial Ground and quash the same as illegal and arbitrary.

For the Petitioner : Mr.M.Himavanth

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha, Spl.G.P.
for respondents 1,2, 4 to 6

Mr.S.Silambanan,
Additional Advocate-General,
for Ms.P.T.Rama Devi,
for the third respondent

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.Abdul Saleem, learned Senior Counsel for the petitioner in WP No.16027 of 2023 and Mr.M.Himavanth, learned counsel for the petitioner in WP No.5413 of 2023; Mr.P.Muthukumar, learned State Government Pleader and Mr.S.Silambanan, learned Additional Advocate-General, for the respondents.



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2. The petitioners assail the order dated 21.02.2022, thereby classifying S.No.133 as a Government Poromboke LPG gasifier burial ground.

3. Counter-affidavit is filed by the Greater Chennai Corporation. The said affidavit states that while implementation of the Sholinganallur S.No.133 extent of 0.46.0 Hectares LPG Gasifier Burial Ground, the nearby public and residents opposed, protested and requested not to implement the LPG Gasifier Burial Ground near the residential area which was about 90 meter away, on the apprehension that it would cause severe health hazards. The affidavit further states that by considering the same, the Greater Chennai Corporation decided to make usage of Greater Chennai Corporation LPG Gasifier Burial Ground, which was recently formed at Ejambakkam for the use of general public, which was nearby Uthandi.

4. Paragraph 19 of the affidavit further states that the existing LPG Gasifier Burial ground in Sholinganallur, S.No.133 to an extent of 0.46.0 H would be used for other public utility.



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5. In view of the counter-affidavit filed, the grievance of the petitioners stands redressed. The Writ Petitions stand disposed of. There will be no order as to costs. Consequently, WMP Nos.5430, 5431, 15465, 15467, 15469 and 20402 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

28.07.2023

Index : Yes/No

Neutral Citation : Yes/No
tar

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESAVALU, J.

(tar)

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