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W.P.Nos.361 to 364
& 8125 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.361 to 364 & 8125 of 2018

and

W.M.P.Nos.412 to 422, 10103 & 10104 of 2018

W.P.Nos.361 to 364 of 2018:

- | | |
|--|---------------------------------------|
| 1.Mr.V.Venkatakrishnan | ... Petitioner
(in WP.No.361/2018) |
| 2.Mr.V.Ramakrishnan | ... Petitioner
(in WP.No.362/2018) |
| 3.Sujatha Mouli | ... Petitioner
(in WP.No.363/2018) |
| 4.M/s.Madras Carbons Private Limited,
Rep. by its Director K.Chandramouli,
Having its registered Office at,
Unit 211, Raheja Towers, No.177,
Anna Salai, Chennai 600 002 and
Corporate Office at
No.82, St. Marys' Road,
Chennai 600 018. | ... Petitioner
(in WP.No.364/2018) |

Vs.



W.P.Nos.361 to 365 of 2018
& 8125 of 2018

1. The State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Secretary, Chennai.
2. The District Collector,
Kancheepuram,
Office of District Collectorate,
Kancheepuram,
Kancheepuram District.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai – 600 008.
4. The Chairman,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.
5. The Commissioner of Police,
Adithanar Road, Chennai – 600 008.
6. The Tahsildhar,
Shollinganallur,
Chennai – 600 119.
7. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai – 600 003.
8. M/s. VGP Investments,
Represented by its Partner
Mr. Babudas, VGP House,
VGP Pannerdas Salai,
Saidapet, Chennai – 600 015.



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9. Golden Sea View Residents,
Welfare Association, Rep. by its Secretary,
Mr. Krishna Rajendra,
82, I Main Road – Part III,
VGP Golden Sea View Layout,
Palavakkam, Chennai 600 041.

... Respondents
(in 4 WPs)

Common Prayer: Writ 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 impugned order dated 28.07.2017 in Na.Ka.11242/2017/No1 passed by the second respondent and quash the same and consequently direct the respondents to restore the possession back to the petitioners.

For Petitioners	: Mr. Vishnu Ramu (in WP.Nos.361 to 364 of 2018)
For R1, R2, R4 to R6	: Mr. A. Selvendran Special Government Pleader (in WP.Nos.361 to 364 of 2018)
For R3	: Mrs. P. Veena Suresh Standing Counsel [For CMDA] (in WP.Nos.361 to 364 of 2018)
For R7	: Mrs. Aswini Devbi Standing Counsel [For GCC] (in WP.Nos.361 to 364 of 2018)
For R8	: Mr. Balamurali M/s. Shivakumar and Suresh (in WP.Nos.361 to 364 of 2018)
For R9	: Ms. S. P. Arthi



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(in WP.Nos.361 to 364 of 2018)

W.P.No.8125 of 2018:

1.M/s.VGP Investments,
Rep. by its Partner
Mr.V.G.P.Babudas,
VGP Square,
No.6, Dharmaraja Koil Street,
Saidapet, Chennai – 600 015.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Secretariat,
Chennai – 600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai – 600 008.

3.The Deputy Director,
Town and Country Planning,
Chenglepet Zone,
No.13, Dr.Varadharajan Street,
Chenglepet – 1.

4.The Tahsildar,
Sholinganallur,
Chennai – 600 119.

5.The Revenue Officer-Cum-
Assistant Commissioner,
Zone – 14, Corporation of Chennai,



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Chennai.

6. The Chairman,
St. Thomas Mount Panchayat Union,
Chitlapakkam, Chennai.

7. Golden Sea View Resident's,
Welfare Association,
Rep. by its Secretary,
Mr. Krishna Rajendra,
82, I Main Road – Part III,
VGP Golden Sea View Layout,
Palavakkam, Chennai 600 041.

8. The District Collector,
Kancheepuram,
Office of District Collectorate,
Kancheepuram,
Kancheepuram District.

... Respondents

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 proceedings of the impugned order dated 28.07.2017 bearing in Ref.No.11242/2017/No1 passed by the 8th respondent and quash the same and consequently direct the respondents to restore the possession back to the petitioner.

For Petitioner : Mr.Bala Murali
For M/s.Shivakumar and Suresh

For R1, R3, R4, R6 & R6: Mr.A.Selvendran
Special Government Pleader

For R2 : Mrs.P.Veena Suresh
Standing Counsel [For CMDA]



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For R5

: Mrs.Aswini Devbi
Standing Counsel [For GCC]

For R7

: Ms.S.P.Arthi

COMMON ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The proceedings dated 28.07.2017 issued by the District Collector, Kancheepuram stating that the Chennai Corporation has to initiate all appropriate actions in respect of the public places to be maintained in the approved layout.

2. Such a proceedings issued without deciding the disputed issues on merits would not provide any cause for institution of writ proceedings. More so, the order impugned issued by the District Collector cannot cause any prejudice to the interest of the petitioners, since the District Collector asked the Chennai Corporation to initiate appropriate action.

3. The issue involved in the present writ petition is about maintenance



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of public places demarcated in the approved layout plan under the Tamil Nadu Town and Country Planning Act, 1971. It is needless to state that the public utility places, streets, parks, children play area, community hall, etc., as provided in the approved plan is to be maintained for the purpose for which it was allotted. Those, public utility areas cannot be alienated by the promoters or by owners of the property.

4. The law in this regard has been settled by the Hon'ble Supreme Court of India in the case of *Association of Vasanth Apartments' Owners Vs. Gopinath and Others* reported in *MANU/SC/0122/2023*.

5. Since the subject area is falling within the jurisdiction of Chennai Corporation, the Commissioner, Chennai Corporation is directed to verify the approved layout plan and earmark the public purpose areas and other common places for public usage including, streets, roads, parks, Open Space Reservation (O.S.R) lands etc., and initiate all appropriate actions to protect all those common areas. In the event of identifying any encroachments or alienation of such public areas further actions are to be initiated to resume the land by following the procedures as contemplated.



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6. In the event of identification of any encroachments or alienation of public properties, the Commissioner shall issue notice to the parties concerned, conduct an enquiry by affording opportunity and take a decision. Thereafter, initiate action to resume the public properties and for the usage of public at large in that locality. The Commissioner, Chennai Corporation is directed to complete the said exercise within a period of three (3) months from the date of receipt of a copy of this order.

7. In respect of common properties, which are under the possession of the Corporation, the Corporation is directed to maintain the same for the benefit of the public in that locality.



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8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [K.R.S., J.]
13.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1. The Secretary,
The State of Tamil Nadu,
Revenue Department,
Secretary, Chennai.
2. The District Collector,
Kancheepuram,
Office of District Collectorate,
Kancheepuram,
Kancheepuram District.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Egmore, Chennai – 600 008.
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6. The Tahsildhar,
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7. The Commissioner,
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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