



WEB COPY



W.P.No.24

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.24164 of 2024 and
W.M.P.Nos.26415 & 26806 of 2024

A.Suriya

... Petitioner

-VS-

1. Union of India,
through the Secretary,
Ministry of Education (Formerly HRD Ministry),
Shastri Bhawan, New Delhi-110 001.
2. The Secretary,
Auroville Foundation,
Auroville Foundation Bhavan,
Administrative Area – Town Hall,
Auroville, Villupuram-605 101,
Tamil Nadu, India.
3. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai-600 009.
4. The Assistant Director,
District Town and Country Planning Office,
TAHDCO Building, GH Road,
Villupuram – 605 602.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of



W.P.No.24

a Writ of Mandamus and Declaration for I) declaring the Appendix IV Clause 1-6 of the Auroville Universal Township Master Plan (Perspective 2025) as illegal and void-ab-initio; II) directing the appropriate respondent to bring the Auroville Universal Township Master Plan (Perspective 2025) in an appropriate planing Act/procedure established under any law within a time frame; III) directing the respondents to provide full compensation for the land with solatium and interest that is in the said Master Plan greenbelt area with cart road access, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 without deduction of development charges, within a time frame; iv) declaring the land purchase deed and land exchange deed concluded by the respondent no.2 on 06.08.2013 Deed No.4024 of 2013 and on 31.05.2017 Deed No.1512 of 2017 respectively as null and void-ab-initio (a) directing the respondents to compensate under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time frame & (b) May kindly deduct appropriate money from us for the land value paid/evaluated by the respondent no.2 for the petitioner in the aforesaid land purchase and exchange deeds and IV) directing the appropriate respondent to assess the land market value for the land that is inside the said Master Plan with the Government Land access cart road in par with nearby Kuyilapalayam-Edayanchavady metal road, based on the deed No.7665 of 2022 dated 26.10.2022, Deed No.8188 of 2023 dated 06.12.2023 and also based on Deed No.1942 of 2024 dated 13.03.2024 within a time frame, as the respondent no.2 had already undervalued the land value since 16.08.2010.

For Petitioner	:	Mr.A.Suriya Party-in-Person
For R3	:	Mr.A.Edwin Prabhakar State Govt. Pleader
For R2	:	Mr.Vaibhav R.Venkatesh



W.P.No.24

ORDER

(By the Hon'ble Acting Chief Justice)

The Party-in-Person, while seeking various relief in this Writ Petition, has stated therein that he had earlier filed a Writ Petition in W.P.No.12378 of 2022 on the same subject matter was dismissed by this Court on 07.06.2022 and subsequently, the dismissal order was challenged before the Supreme Court in Diary No.26094 of 2022, which also came to be dismissed, stating that the consecutive petition cannot be entertained. According to the party-in-person, the matter was not decided on merits and therefore, he has filed the present Writ Petition.

2. Learned counsel for the 2nd respondent brought to the notice of this Court the ground raised in the earlier round of litigation in W.P.No.12378 of 2022, which stood dismissed by this Court and the Supreme Court as well in SLP No.16746 of 2022 dated 31.10.2022. He stated that with the same prayer, the instant Writ Petition has been filed, which is hit by the principle of *res judicata* and prayed for dismissal of the Writ Petition.

3. We feel it appropriate to extract the prayer sought both in W.P.No.12378 of 2022 and this Writ Petition as follows:



Prayer in W.P.No.12378 of 2022	Prayer in this Writ Petition
Declaring the Foundations self - made APPENDIX- IV Clauses 1-5 of the Auroville Universal Township Master Plan Perspective 2025 (Gazette of India Notified on 16 - 8 - 2010 Gazette of India published on 28.08.2010) as ultra vires and also their entire illegal land exchange deeds and purchase deeds done since 28- 8- 2010 (Gazette of India Publication date) by using these appendix IV Clauses 1-5 of the Auroville Universal Township Master Plan Perspective 2025 as Void ab initio (my land and my family land purchased exchanged by the foundation survey numbers annexed) for section 46 of the right to fair compensation and transparency in land acquisition Act 2013 (RFCTLARR Act) Section 37 of the Tamil Nadu Town and Country Planning Act, 1971, 2018, Appendix-IV Clause 6 (para 1) of the said Auroville Master Plan and G.O. Dated 20.01.2033 and may kindly exclude the land title dispute exchange deed dated 24.09.2013 Doc.No.5000 of 2013 registered at Vanur S.R.O.	I) declaring the Appendix IV Clause 1-6 of the Auroville Universal Township Master Plan (Perspective 2025) as illegal and void-ab-initio; II) directing the appropriate respondent to bring the Auroville Universal Township Master Plan (Perspective 2025) in an appropriate planing Act/procedure established under any law within a time frame; III) directing the respondents to provide full compensation for the land with solatium and interest that is in the said Master Plan greenbelt area with cart road access, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 without deduction of development charges, within a time frame; IV) declaring the land purchase deed and land exchange deed concluded by the respondent no.2 on 06.08.2013 Deed No.4024 of 2013 and on 31.05.2017 Deed No.1512 of 2017 respectively as null and void-ab-initio. (a) directing the respondents to compensate under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time frame & (b) May kindly deduct appropriate money from us for the land value paid/evaluated by the respondent no.2 for the petitioner in the aforesaid land purchase and exchange deeds and V) directing the appropriate respondent to assess the land market value for the land that is inside the said Master Plan with the Government Land access cart road in par with nearby Kuyilapalayam-Edayanchavady metal road, based on the deed No.7665 of 2022 dated 26.10.2022, Deed No.8188 of 2023 dated 06.12.2023 and also based on Deed No.1942 of 2024 dated 13.03.2024 within a time frame, as the respondent no.2 had already undervalued the land value since 16.08.2010.

4. On a reading of the relief sought in both Writ Petitions, it is apparent that though innocuously worded relief is sought in this Writ Petition, the earlier Writ Petition was filed with the similar prayer, which went upto Supreme Court and was dismissed by the Apex Court. Therefore, the present Writ Petition cannot be entertained by this Court,



W.P.No.24

as we do not want to unsettle the settled issue and the Writ Petition is barred by the

Doctrine of *res judicata* as stated supra. Having not convinced with the submissions

made by the Party-in-Person and finding no prima facie case in favour of the petitioner,

the Writ Petition is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

23.08.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

ar

To:

The Secretary to Government
Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.

HON'BLE ACTING CHIEF JUSTICE,

AND

P.B.BALAJI,J.,



WEB COPY



W.P.No.24_____

ar

W.P.No.24164 of 2024

23.08.2024