



W.A.No.3663 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.3663 of 2019
and
C.M.P.No.23324 of 2019

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-3.

2. The Assistant Executive Engineer,
Corporation of Chennai,
Zonal Office, Zone XI,
Ward N-155, Chennai-600 003.

3. The Assistant Engineer/
Asst. Executive Engineer,
Town Planning Approval Section,
Regional Office (South),
Corporation of Chennai,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai- 600 020.

... Appellants

Vs.



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1. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-08.

2. G. Mohan

3. Revathy

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order of the Learned Judge passed in WP No.30070 of 2015 dated 26.10.2015.

For Appellants : Mr.G.T.Subramanian

For Respondents : Mrs.P.Veena Suresh (for R1);

: Mr.L.Chandra Kumar (for R2 & R3).

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The right to property is a constitutional right of a citizen under Article 300(A) of the Constitution of India. Such right can be taken away by the authority of law. Therefore, the property right of a citizen cannot be infringed without following the procedures as contemplated under law.



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2. In the present case, the respondents have mainly contended that their property rights are sought to be infringed by the authorities without following the due process since the authorities have pressurized and insisted the land owners to gift the land for road expansion projects in the subject locality.

3. The local authorities are not empowered to insist the land owners to execute a gift deed in violation of the provisions under law. If at all, the lands are required for formation of road or expansion of existing road, street etc., land acquisition proceedings are to be instituted by following the due process and by settling compensation as contemplated under the land acquisition laws. Therefore, the authorities competent, in the event of taking a policy decision, to form street, road or expansion of road, is at liberty to initiate appropriate land acquisition proceedings by following due process of law. Contrarily, they cannot personally insist the land owners or any person to gift their land for road projects or any public projects.



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4. It is made clear that the appellants shall not personally emphasize or insist the land owners to gift the land in violation of law. If at all in the layout, roads are already earmarked and encroachments are identified, those encroachments can be removed by following the due process in the interest of public.

5. Thus, the apprehension of the respondents are clarified and the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

05.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To
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S.M.SUBRAMANIAM, J.

and

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