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Writ Petition No.7168 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.7168 of 2020

V.N.Devadoss

.... Petitioner

.Vs.

1.The Secretary

Housing & Urban Development
Government of Tamil Nadu
Fort St.George
Chennai 600 009.

2.The Member Secretary

Chennai Metropolitan Development Authority
(CMDA) Thalamuthu Natarajan Building
No.1, Gandhi-Irwin Road
Egmore, Chennai 600 008.

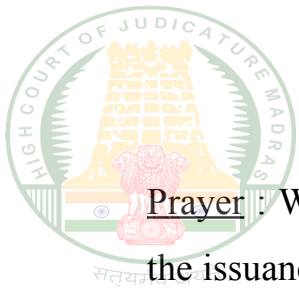
3.The Director of Town & Country Planning

807, Anna Salai
Chennai.

4.The Commissioner

Avadi City Municipal Corporation
Chennai 600 054.

... Respondents



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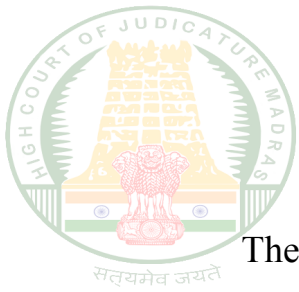
Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration to declare the reservation made in respect of the petitioner's lands comprised in Survey No.62/1 (Part) and 65/2 (Part) Paleripattu Village, Poonamallee Taluk, now Avadi Taluk Thiruvallur District within the Limits of Avadi Municipality (Now Avadi City Municipal Corporation) in the II Master Plan published in the Government Gazette on 02.09.2008 vide GO Ms No.190 of the Housing and Urban Development Department of the Government of Tamil Nadu to have lapsed in the light of Section 38 of the Town & Country Planning Act, 1971 and consequently to direct the respondents to grant Planning Permission in respect of lands comprised in Survey No.62/1 (Part) and 65/2 (Part) Paleripattu Village, Poonamallee Taluk, now Avadi Taluk Thiruvallur District within the limits of Avadi Municipality now Avadi City Municipal Corporation as per the petitioner's application dated 20.04.2009.

For Petitioners : Mr.Karthik Rajan
for Mr.Menon

For Respondents : Mr.N.Naveen Kumar
Government Advocate
for R1 & R2

Mrs.P.Veena Suresh
Standing Counsel
for R3

Mr.R.Gopinath
Standing Counsel
for R4



ORDER

The Writ Petition has been filed in the nature of a Declaration to declare that the reservation is lapsed in the light of Section 38 of the Town & Country Planning Act, 1971 and consequently to direct the respondents to grant Planning Permission to the petitioner for the lands in Survey No.62/1 (Part) and 65/2 (Part, Paleripattu Village, Poonamallee Taluk , now Avadi Taluk in Thiruvallur District.

2.Let me not enter into discussion on the aspects since in the counter affidavit filed by the 2nd respondent after raising various contentions, in para 13, the respondents have stated as follows:

“13.I further submit that the petitioner can avail Transfer of Development Rights to the extent of 2.5 times the Guideline value of the portion of land surrendered for road and can utilise the TDR Certificate for payment of Premium FSI charges in lieu of cash for the apartment projects developed by his firm.”.

3.The learned counsel for the petitioner stated that the petitioner would explore the possibility of availing such transfer of development right for the petitioner. If the petitioner is of such opinion then a representation may be given to the 2nd respondent who may proceed in the manner known to law. The



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representation must be disposed of within a period of eight weeks from the date of receipt of copy of the representation.

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4.The Writ Petition stands disposed of with the above directions. No costs.

07.01.2025

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Index : Yes/No

NCS : Yes/No

KP



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C.V.KARTHIKEYAN.,J
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