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W.P.Nos.26397 & 28489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

**W.P.Nos.26397 & 28489 of 2024
and
W.M.P.Nos.28844 and 31065 of 2024**

W.P.No.28489 of 2024

1. V.Ramakrishnan
S/o.K.Venkitachalam
2. V.Venkatakrishnan
S/o.K.Venkitachalam

... Petitioners

VS.

1. The State of Tamil Nadu
Represented by its Secretary
Revenue Department
Secretary, Chenani.
2. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai-600 008.
3. The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 003.

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4. The Regional Deputy Commissioner (South)
Greater Chennai Corporation Zone XIV
No.115, Muthulakshmi Salai, Adyar
Chennai-600 020.
 5. The Revenue Divisional Officer (South)
Near T.N.Dr.MGR Medical University
Anna Salai, Guindy, Chennai-600 032.
 6. The Tahsildhar
Sholinganallur
Chennai-600 119.
 7. The Chairman
St.Thomas Mount Panchayat Union
Chitlapakkam, Chennai.
 8. M/s.VGP Investments
Represented by its Partner
Mr.Babudas, VGP House
VGP Pannerdas Salai
Saidapet, Chennai-600 015.
 9. Golden Sea View Residents Welfare Association
Rep. By its Secretary
Mr.Krishna Rajendra
 10. The Sub-Registrar
Sub Registrar Office
2/92, SH 49, Kazura Garden
Neelankarai, Chennai-600 041.
- ... Respondents

Writ Petition No.26397 of 2024 filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 22.08.2024 in R.D.C.



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(S).C.No.A7/002937/2024 passed by the 4th respondent and quash the same and consequently, direct the respondents to restore the possession back to the petitioners within a time period.

For Petitioners	:	Mr.Srinath Sridevan, Senior Counsel for Mr.R.Vishnu
For Respondents	:	Mr.T.Arun Kumar Additional Government Pleader for R1, R5, R6 and R10 Mr.M.Suresh Kumar Additional Advocate General assisted by Mrs.K.Aswini Devi Standing Counsel for GCC for R3 and R4 Mrs.S.P.Arthi, for R9 No appearance – R2, R7 and R8

W.P.No.28489 of 2024

M/s.Madras Carbons Private Limited
Rep. By its Director Mr.Balaji Goverthanam
Having its registered office at
Unit 211, Raheja Towers, No.177
Anna Salai, Chennai-600 002.

... Petitioner

vs.

1. Greater Chennai Corporation
Rep. By its Commissioner
Ripon Building
Chennai-600 003.
2. The Regional Deputy Commissioner (South)
Greater Chennai Corporation, Zone-XIV
Ripon Building
Chennai-600 003.

... Respondents



W.P.Nos.26397 & 28489 of 2024

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records relating to the impugned order being the proceedings of the 2nd respondent Regional Deputy Commissioner (South), Greater Chennai Corporation, Zone XIV bearing No.R.D.C.(S).C.No.A7/002937/2024 dated 22.08.2024 issued by the 2nd respondent and quash the same as being illegal, unconstitutional, contrary to the law and violative of principles of natural justice.

For Petitioner	:	Mr.Anirudh Krishnan
For Respondents	:	Mr.M.Suresh Kumar
		Additional Advocate General
		assisted by
		Mr.P.Prithivi Chopda
		Standing Counsel for GCC

COMMON ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The present writ petitions have been instituted mainly challenging the proceedings of the Regional Deputy Commissioner (South), Greater Chennai Corporation, dated 22.08.2024 and seeking to restore the possession of the land back to the writ petitioners.

2. The facts, in a nutshell, would show that originally, M/s.VGP Investment had developed the residential layout vide LPDM/DTP No.2/75 Part-I for an extent of 12.66 acres and handed over to the erstwhile



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Palavakkam Panchayat roads of 139430 sq.ft and park of 24534 sq.ft (10 grounds 0534 sq.ft). Similarly, M/s.VGP Investment further developed the residential layout vide LPDM/DTP No.31/75 Part-II for an extent of 9.34 acres and handed over roads of 77400 sq.ft and a park of 24534 sq.ft (10 grounds 0534 sq.ft). Further, M/s.VGP Investment vide LPDM/DTP No.131/75 Part-III developed an extent of 9.07 acres and handed over roads of 99820 sq.ft out of 9.07 acres and 1.19 acres (21 grounds and 1525 sq.ft) was earmarked as public purpose land, which is the subject matter of the present writ petitions.

3. Totally, the layout was developed for an extent of 31.07 acres and the land to be allocated for OSR as per TNCDBR Rules, that is 10% of the developed land, works out to 3.10 acres. However, the developer handed over only 1.12 acres as OSR land, which is currently a park under the control of the Greater Chennai Corporation and the remaining 1.98 acres is to be handed over to the Greater Chennai Corporation, wherein after subtracting the available 1.19 acres earmarked as public purpose land as per layout, Part-III to be taken over by Greater Chennai Corporation, there is still a shortfall of 79 cents to be handed over to the Greater Chennai Corporation by M/s.VGP Investment.



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4. Writ petitioners are the purchasers of the residential plots in the said approved layout developed in Part-III. These writ petitioners have purchased the common purpose land, which was converted into plots by the developer. The Residents Welfare Association filed a compliant before the Greater Chennai Corporation seeking resumption of the public purpose land for development of a park, OSR land etc., Addressing the complaint given by the Residents Welfare Association, enforcement actions were initiated. Admittedly, possession of the common public purpose land has already been taken over by the Greater Chennai Corporation in the year 2016, except the short fall of 79 cents, which is yet to be handed over by the developer.

5. Claiming rights over the common public purpose land purchased by the writ petitioners, the present writ petitions have been filed before this Court.

6. Mr.Srinath Sridevan, learned Senior Counsel appearing on behalf of the petitioner in W.P.No.26397 of 2024 and Mr.Anirudh Krishnan, learned counsel for the petitioner in W.P.No.28489 of 2024, would mainly



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contend that the opportunity as directed by this Court vide order dated 13.03.2024 in W.P.Nos.361 to 364 and 8125 of 2018, has not been afforded to the writ petitioners by the Greater Chennai Corporation authorities. This Court has directed the Corporation authorities to provide an opportunity to the writ petitioners, conduct an enquiry and thereafter initiate action to resume the public purpose land, if any, earmarked in the approved layout. Though such a direction has been given, sufficient opportunity has not been granted. Thus, the writ petitioners are unable to produce all the documents in their possession before the Corporation authorities to establish their case.

7. Mr.M.Suresh Kumar, learned Additional Advocate General appearing on behalf of Chennai Corporation and Mr.S.P.Arthi, learned counsel appearing on behalf of Welfare Association, would oppose the same by stating that, as directed by this Court, sufficient opportunities were afforded to the purchasers of the land in the common purpose area / writ petitioners and they failed to produce documents to establish their case. The order impugned itself shows that sufficient opportunities were granted to the writ petitioners. Thus, the writ petitions are to be rejected.



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8. The rival submissions made by the parties to the *lis* have been duly considered by this Court.

9. The legal position regarding maintenance of OSR lands, common public purpose lands and park areas in an approved layout has been well settled in catena of judgments and recently by the Hon'ble Supreme Court of India in the case of ***Association of Vasanth Apartments' Owners Vs. V.Gopinath and others (2023 SCC OnLine SC 137)***. The local authorities / competent authorities are bound to protect the OSR lands, park areas, as well as common purpose lands and such lands are to be utilised for the purpose for which they have been earmarked in the approved layout. Any sale of public purpose land by the developer is null and void. The competent local authority is empowered to resume the land. If at all any developer, by misrepresentation or in a fraudulent manner, alienates the public purpose land to any third person, such third person is entitled to sue the developer both under the civil and criminal law. However, the common purpose land, including OSR lands and parks are to be protected for the benefits of the residents in that locality.



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10. Due to fast growing of construction activities in urban areas across the nation, the cities are converted into concrete jungles. There is no space even to breath or to protect public health, which is an integral part of Article 21 of the Constitution of India. The very purpose and object of such common purpose lands are to protect the health and livelihood of the citizens residing in that locality and any violation of the approved layout or sale of common purpose lands would result in infringement of the fundamental rights of the citizens to have such facilities in the urban areas. Therefore, such violations or illegal alienation of the common purpose land undoubtedly infringe the rights of the citizens and therefore, authorities are expected to be sensitive and vigilant in protecting parks, play ground, common purpose lands, OSR lands etc., so as to protect health and the life of the citizens of our great Nation.

11. In the present case, the Regional Deputy Commissioner, Greater Chennai Corporation conducted an enquiry on 21.05.2024 and 27.05.2024, summoning the writ petitioners and the respondents. The developer M/s.VGP Investments, requested more time to produce reclassification order. Thus, the enquiry was adjourned to 25.06.2024 and



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even on that day, no document was produced by the developer, M/s.VGP

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Investment. Under those circumstances, the authority passed an order stating that the subject land has already been resumed by the Greater Chennai Corporation and it is under the possession of the Greater Chennai Corporation. Therefore, it is not a case where the authorities have violated the rules of natural justice. The opportunity afforded to the writ petitioners were not utilised in a right perspective and that being the factum, they cannot now turn around and complain that no opportunity was given to them. However, if any new additional documents are available with the writ petitioners, they are at liberty to submit the same to the Corporation authorities, within a period of two weeks from the date of receipt of a copy of this order, and the authorities may, in turn, examine those documents, if any, and its correctness. If no such documents are filed within the stipulated time, the Corporation authorities shall not receive or entertain any such application or document from the writ petitioners.

12. In the present case, the layouts are approved and in the approved layout, OSR lands, common purpose lands, and park areas are demarcated and all those lands have been resumed by the Greater



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Chennai Corporation and therefore to be utilised for the purpose for which they were earmarked in the approved layout. Left out portion of the common purpose land also to be resumed as per the approved layout.

13. In view of the above facts, the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
21.04.2026

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
mk

To

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Represented by its Secretary
Revenue Department
Secretary, Chennai.
2. The Member Secretary
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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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