



Abstract

Urban Development – Chennai Metropolitan Development Authority – Conversion of children play space into residential plots at Dr. Duraisamy Nagar, Selaiyur Village – De-reservation – Orders – Issued – Amendment orders – Issued.

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Housing and Urban Development [UD1] Department

G.O.Ms.No.142

dated 26.09.2014

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திருவள்ளூர் ஆண்டு 2045

Read:

1. G.O.Ms.No.382, Housing and Urban Development (UD1) Department, dated 5.5.1994.
2. From Thiru T.D. Sadasivam, petition dated 1.8.2011.
3. From the Member Secretary, Chennai Metropolitan Development Authority letter No.L1/5815/2009, dated 26.4.2013.
4. From Thiru T.D. Sadasivam petition date Nil (received on 4.6.2013)

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Order:

In the order first read above, the Government after careful examination direct the petitioner Thiru T.D. Sadasivam to gift the entire S.No.132/1B in Rajammal Nagar of Selaiyur Village on which the Municipality has formed the road measuring 2 grounds 622 sq.ft to the Tambaram Municipality. In exchange, the Government directed that the petitioner, Thiru T.D. Sadasivam be given the children play space of 5 grounds 2356 sq.ft, in Dr. Duraisamy Nagar by de-reservation as resolved by Tambaram Municipality. The Government therefore directed that the excess extent of 3 grounds and 1734 sq.ft. viz, (5 grounds 2356 sq.ft less 2 grounds and 622 sq.ft. 3 grounds and 1734 sq.ft) be handed over to Thiru T.D. Sadasivam on payment of guideline value in 1985 and interest on the value capitalized upto the date of settlement at an annual capitalization of 10%.

2. Thiru T.D. Sadasivam in his representation second read above has requested the Government to make a payment to the appropriate authority at the guideline value in 1985 and interest on the value capitalised upto the date of settlement at an annual capitalization of 10%

as mentioned in the G.O. for the 3533 sq.ft in lieu of the land which is not available to be handed over as per page 2, page 3 of the G.O.

3. The Member Secretary, Chennai Metropolitan Development Authority has reported that the issue involved in this matter at this juncture is that the petitioner is not in a position to gift the land at free of cost as directed by the Government early. Considering this, the petitioner has now come forward to remit the equivalent land cost. The key point on this issue is whether to collect such compensatory payment on the basis of the present Guideline Value or on the basis of Guideline Value reference to past year and collection of interest for the remaining period. As the earlier approval permitting de-reservation of children play space into 7 residential plots has kept in suspension the petitioner will get an opportunity to sell those 7 residential plots at the current market value once the approved layout is issued on receipt of amount of compensation for the above 2 grounds and 622 sq.ft. Thus the petitioner will gain based on the present market value which is closely reflected by the present Guideline Value. Applying this logic, it is only appropriate to direct the petitioner to make the payment based on the prevailing Guideline Value in lieu of the land with an extent of 2 grounds and 622 sq.ft. that was to be surrendered to local body.

4. Thiru T.D. Sadasivam in his further representation 4th read above has stated that he has already complied with the 2nd portion of the G.O.(Ms).No.382, dated 5.5.1994 by paying a sum of Rs.2,22,600 and other charges for the 3 grounds and 1732 sq.ft and the said sum has been accepted by the Chennai Metropolitan Development Authority. It is unreasonable to ask me to pay guideline value as on date for the 3667 sq.ft. of land in S.No.132/1B in Rajammal Nagar of Selaiyur Village on the reasoning that he will be selling the land in Dr. Duraisamy Nagar, Selaiyur Village at current market value. Firstly it cannot be presumed that he has going to sell the land in Dr. Duraiswamy Nagar, Selaiyur Village. His family is large and the land will be shared among all the family members who propose to put up their own houses in the said land. Secondly his proposal for paying the 1985 guideline value for the 3667 sq.ft of land has been unfortunately kept pending for all these years for no fault of him. Hence he has requested the Government to reject the suggestion of the Chennai Metropolitan Development Authority and agree to receive the 1985 guideline value for the 3667 sq.ft of land with capitalization of 10% thereon till date by formally communicating the said decision so that he can pay the said amount and continue peaceful possession of the land in Dr. Duraiswamy Nagar as 7 residential plots already approved by the Chennai Metropolitan Development Authority & endorsed by Tambaram Municipality with absolute ownership.

5. The Government after careful examination have decided to issue the following amendment to the Government order first read above: -

Amendment

For the existing paragraph 3 of the Government order first read above, the following shall be substituted: -

3. The Government after careful examination directed the petitioner to pay the prevailing guideline value for the balance extent of 3533 sq.ft. in Rajammal Nagar (viz, 2 grounds 622 sq.ft (5422 sq.ft) minus 1189 sq.ft + 700 sq.ft =3533 sq.ft), since he has already gifted 1189 sq.ft in Rajammal Nagar vide Gift Deed No.9330/20.6.91 and 700 sq.ft. in Duraisammy Nagar vide Gift Deed No.5329/8.2.2000 to Tambaram Municipality.

(BY ORDER OF THE GOVERNOR)

**MOHAN PYARE,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The Member Secretary,
Chennai Metropolitan Development Authority,
Chennai-600 008.

Thiru T.D. Sadasivam,
No.11, Madley Road,
T.Nagar, Chennai-17.

The Commissioner,
Tambaram Municipality.

The Collector,
Kancheepuram.

The Municipal Administration and Water Supply Department,
Chennai-600 009.

The Revenue Department,
Chennai-600 009.

Copy to: -
SF/SC.

// Forwarded / By Order //

Section Officer.