

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30..04..2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice T.S.SIVAGNANAM

W.P.No.13845 of 2015

1. S.Natarajan
2. C.Shankar
3. P.Jayakumar
- 4.N.K.Muralidharan
- 5.M.Karthe

....Petitioners

versus

1. The Secretary to Government
Town and Country Planning Department
Government of Tamil Nadu
Secretariat, Chennai.

2.The Commissioner of Town and Country Planning
Directorate of Town and Country Planning
Anna Salai, Chennai 600002.

3.The Secretary to Government
Municipal Administration and Water Supply Department
Government of Tamil Nadu
Secretariat, Chennai.

4.The District Collector
Salem.

5.The Tahsildar
Salem West Taluk
Collectorate, Salem 636 001.

6.The Commissioner
Salem City Municipal Corporation
Cherry Road, Salem 636007.;

7.The Member Secretary,
Salem Local Planning Authority
Subramania Nagar, Salem 636 005.

8.The President,
Suramangalam Co-operative House,
Building Society Ltd.,
S.No.362, Subramania Nagar,
Salem 636005.

9.The Correspondent,
Sri Ramakrishna Sarada Hr.Sec.School
Subramania Nagar, Salem 636005.

10.The Divisional Engineer,
Public Works Department,
Salem

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorari, calling for the records pertaining to the proceedings bearing Na.Ka.No.960/2014/K4 dated 03.07.2014 on the file of the 4th respondent, quash the same and consequently direct the respondents to ensure that the playground measuring an extent of 9.88 Acres bearing S.No.4/3 A 1 of Bodinaickenpatti Revenue Village, Salem City, Town Survey No.27, Block 21, Survey Ward-N is preserved intact to enable the students of the Sri Ramakrishna Sarada Higher Secondary School, other children in the area and adults to use the facilities available in the playground without any restrictions.

For Petitioners ::: Mr.Jayesh B.Dolia

For Respondents ::: Mr.S.T.S.Murthy
Government Pleader

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The petitioners have initially approached this Court vide W.P.No.3717 of 2015 against the conversion of playground of school into Taluk Panchayat office alleging that this was only open area available for the younger age group for physical activities. Since the petition had been filed without making a representation, the petition was withdrawn in order to enable a representation to be made to the concerned authorities. We direct that on such representation being made, the same shall be examined within one month of the receipt of the representation with notice to all concerned and be disposed of by a speaking order to be communicated to the petitioners with liberty to the petitioners to approach the court again, in case the grievance is not redressed.

2. The petitioner thereafter made a representation on 18.02.2015, and the order is also referred to therein. The Acknowledgement Due receipts also enclosed showing receipt of the representations on different dates from 19.02.2015 to 25.02.2015. Reminder was sent on 29.03.2015 which was also received, but even this did not wake up the authorities.

3. The representation of the petitioner has met the usual fate of there being no response. This is something we have been repeatedly commenting about, without any remedy being taken by respondent.

4. In view of the own conduct of the respondent, we have no option, but to now direct as under:

- (i) The representation of the petitioner referred to aforesaid be disposed of as expeditiously as possible.
- (ii) All construction activities will be stopped forthwith till such time as the representation is disposed of and for a period of 15 days thereafter, in order to enable the petitioner to take redressal, in case of an adverse order.
- (iii) The representation will be disposed of by a speaking order after notice to all concerned.
- (iv) Even if ultimately the construction is made, the loss suffered by stoppage of construction on account of the conduct of the respondents may be recovered from the officer concerned who failed to act on the representation, despite the earlier directions of the Court.

5. The writ petition accordingly stands disposed of in the aforesaid terms. No costs. Consequently, M.P.No.2 of 2015 is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ksr

To

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8. The Divisional Engineer
Public Works Department
Salem

2 ccs to M/s. Aiyar and Dolia, Advocate, Sr. 24324

W.P.No.13845 of 2015

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