

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.26404 OF 2015

Arakkonam Madhava Nagar
Residence welfare Association
Rep by its Secretary Mr. A.R.Pugazhianthi @ Kutti

... PETITIONER

Vs

The Commissioner
Arakkonam Municipality
Arakkonam, Vellore District.

... RESPONDENT

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondent to consider the representation of the petitioner dated 25-11-2013 to maintain and protect the park measuring 11 160 Sq.ft open space measuring 4 200 Sq ft and children play ground measuring an extent of 5 880 Sq ft total admeasuring to an extent of land 21 240 Sq ft comprised in R.S.No.283/1 (part) and 282 (part) at Madhava Nagar Arakkonam Arakkonam Taluk Vellore District as per the provisions of Tamil Nadu District Municipality Act and Tamil Nadu Park Play fields Open-Space (Preservation and Regulation) Act 1959 or permit the petitioner Association to clean the above mentioned property under the Clean India movement within the reasonable time to be fixed by this Honourable.

For Petitioner : Mr.K.S.Purushothaman

For Respondents : Mr.R.Ravichandran
Additional Government Pleader

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O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner is the Arakkonam Madhava Nagar Residence Welfare Association. The said Madhava Nagar was developed by one Mr.S.K.Venugopal, by getting appropriate approval from the

authorities. An extent of 11.160 sq.ft., 4.200 sq.ft. and 5,880 sq.ft. of lands, totally measuring an extent of 21240 sq.ft comprised in R.S.No.283/1 (part) and 282(part) at Madhava Nagar, Arakkonam, were earmarked for forming Parks, Open Space and Children Play ground respectively, while granting approval. The Association members constructed houses and they are residing in the said Nagar. However, since the area which has been earmarked for forming Parks, Open Space and Children Play ground, are not maintained properly by the respondent and several illegal activities are committed in the said place, the petitioner Association submitted a representation to the respondent on 25.11.2013, to protect the area by maintaining the same.

3.Though the representation was given as early as on 25.11.2013, neither the said representation was considered nor any action was taken as per the request made in the said representation. Therefore, the petitioner has come forward with this Writ Petition.

4.Heard Mr.K.S.Purushothaman, learned counsel appearing for the petitioner and Mr.R.Ravichandran, learned Additional Government Pleader cum Standing Counsel for appearing for the respondent.

5.The learned Standing Counsel would submit that the Promoter had not handed over the area by way of gift. Irrespective of the gift deed executed by the Promoter or not the area which is under the possession of the local authorities have to be maintained properly by the authorities.

6.When the area is earmarked for formation of Parks, Open Space and Children Play ground, the same has to be maintained properly. As the petitioner contended that illegal activities are going on causing threat to the residence, it is proper to direct the respondent to take positive steps by removing the garbages, bushes and trees in that area and keep it clean. The aforesaid order has to be implemented within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that after cleaning the area, the respondent is directed to give proper reply to the petitioner association by stating that the order of this Court has been acted upon. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpa

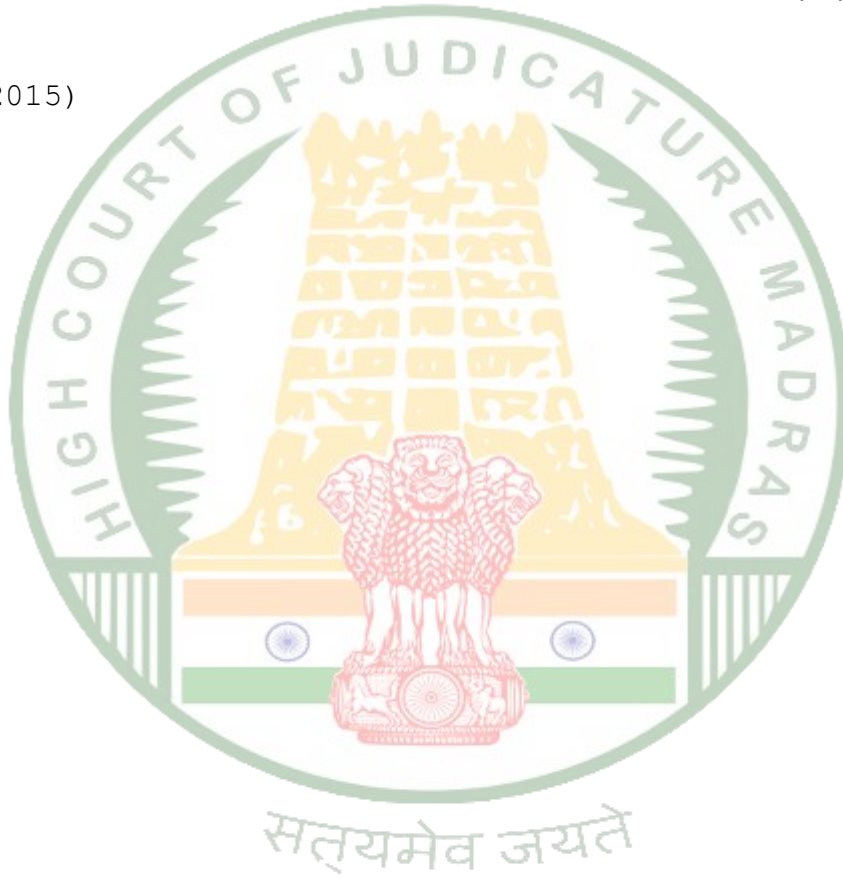
To

The Commissioner
Arakkonam Municipality
Arakkonam,
Vellore District.

+1cc to Mr.M.Venkatakkrishna, Advocate, S.R.No.45883

W.P.No.26404 OF 2015

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CA(08/10/2015)



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