

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.36567 of 2015
and

M.P.Nos.1 and 2 of 2015

1.S.Natarajan
2.P.Jayakumar
3.N.K.Muralidharan
4.M.Karthe

.... Petitioners

-Vs-

1. The Secretary to Govt.,
Housing and Urban Development Dept.,
Govt. of Tamil Nadu,
Secretariat, Chennai.
2. The Secretary to Govt.,
Municipal Administration and Water
Supply Dept., Govt. of Tamil Nadu,
Secretariat, Chennai.
3. The Commissioner of Town and Country
Planning, Directorate of Town and
Country Planning, 807, Anna Salai,
Chennai.
4. The Commissioner of Municipal Administration,
Ezhilagam Annexe, Chepauk, Chennai.
5. The District Collector,
Collectorate, Salem.
6. The Chairman,
Salem Local Planning Authority,
Subramania Nagar,
Salem.

7. The Commissioner,
Salem City Municipal Corporation,
Cherry Road, Salem.
8. The Member Secretary,
Salem Local Planning Authority,
Subramania Nagar, Salem.
9. The Tahsildar,
Salem West Taluk,
Pallapatti, Salem.
10. The President
Suramangalam Co-operative House,
Building Society Ltd. S.362,
Subramania Nagar, Salem.
11. The Correspondent,
Sri Ramakrishna Sarada Hr. Sec. School,
Subramania Nagar, Salem.
12. The Executive Engineer,
Public Works Department,
Buildings Division, Incharge of Constructing
the Salem West Taluk Office Building,
T.S.No.27 Yercaud Main Road, Salem. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the proceedings bearing Proc.Roc.No.960/2014/K4 dated 10.09.2015 on the file of the 5th 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 Petitioner : Mrs.Rita Chandrasekar

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, for RR 1-6,8, 9 & 12
: Ms.K.Bhuvaneswari for R-7

O R D E R

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

The petitioners seek to file the present Public Interest Litigation inter alia in the capacity of Alumni of Sri Ramakrishna Sarada Higher Secondary School alleging that the land which was being utilised as the play ground for a long time by the school was sought to be used by the Government authorities for other purposes. The representations of the petitioners to re-locate the proposed construction to another place have been rejected on 10.09.2015 and it is this order which is stated to be without application of mind.

2.We have heard the learned counsel for the petitioners.

3.The land in question is undoubtedly Government land. Since the land was vacant, the school was utilising it as the play ground. In terms of the examination of the matter and the earlier directions of the Court, the order now passed seeks to bifurcate the land into different uses. The bifurcation is under:

Before Sub-Division			After Sub-Division		
Survey No.	Extent	Classifica tion	Survey Nos.	Extent	Classifica tion
Ward-N, Block 21, T.S.No.27	2.7215.0	Village Natham (School Building, Playground , Drinking Water tank)	Ward-N, Block-21, T.S.No.27/1	2.8851.5	Sri Ramakrishn a Saradha Higher Secondary School
			Ward-N, Block-21, T.S.No.27/2	0.5265.5	Passage
			Ward-N, Block-21, T.S.No.27/3	0.1100.0	Office of the Sub- Registrar

Before Sub-Division			After Sub-Division		
			Ward-N, Block-21, T.S.No.27/4	0.1300.0	Taluk Treasury Office
			Ward-N, Block-21,	0.1575.0	Office of the Adidravida r Welfare
			Ward-N, Block-21, T.S.No.27/7	0.0913.0	Office of the Fire Rescue and Services
			Ward-N, Block-21, T.S.No.27/8	0.3490.0	Office of the Tahsildar
			Ward-N, Block-21, T.S.No.27/9	0.0470.0	Office of the Tahsildar
			Ward-N, Block-21, T.S.No.27/10	0.3480.0	Office of the Revenue Divisional Officer

4.The aforesaid thus shows that it is not as if the play ground is sought to be completely eliminated, but only part of the land is sought to be earmarked as the play ground. The other uses include Treasury Office, Office of the Adi Dravidar Welfare, Office of the Fire Rescue and Services, Offices of the Tahsildar and the Revenue Divisional Officer.

5.It is trite to say that there is shortage of land in most areas requiring re-arrangements where necessary. This aspect has been balanced with the requirement of the playground for the school, which is also an essential requirement.

6.We are, thus, not inclined to interfere in this Public Interest Litigation, but clarify that the land earmarked for the playground should be permitted to be used as such without hindrance.

7.Writ Petition stands dismissed. No costs. Consequently,
M.P.Nos.1 and 2 of 2015 also stand dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Govt.,
Housing and Urban Development Dept.,
Govt. of Tamil Nadu,
Secretariat, Chennai.
2. The Secretary to Govt.,
Municipal Administration and Water
Supply Dept., Govt. of Tamil Nadu,
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Salem Local Planning Authority,
Subramania Nagar, Salem.

9. The Tahsildar,
Salem West Taluk,
Pallapatti, Salem.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.61974
+1cc to Ms.K.Bhuvaneswari, Advocate, S.R.No.61973
+1cc to the Government Pleader, S.R.No.62336

W.P.No.36567 of 2015

TEJ(CO)
CA(26/11/2015)



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