

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.17028 of 2009
and
M.P.Nos.1,4 & 5 of 2009

M.Bagyalakshmi Petitioner

Vs.

1. The Commissioner and
Secretary to Government,
Municipal and Local Administration Department,
Fort St. George,
Chennai-600 009.
2. The Director of Town and Country Planning,
Opp. To LIC of India Building,
Anna Salai, Mount Road,
Chennai-600 002.
3. The Regional Deputy Director of
Town and Country Planning,
Chengalpattu Region, Chengalpattu,
Kanchipuram District.
4. The Assistant Director,
Local Planning Authority,
Vaigunda Perumal Koil street,
Big Kanchipuram-631 501.
5. The Commissioner,
Kanchipuram Municipality,
Kanchipuram Town,
Kanchipuram-631 501.

6. The Special Officer,
The Kanchipuram Co-operative Housing
Society Limited,
No.12 A, Sappani Pillayar Koil street,
Big Kanchipuram,
Kanchipuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned G.O.Ms.No.50 dated 06.04.2007 issued by the 1st respondent and quash and same and consequently forbear the respondents from converting the area earmarked portion as "Children's Park into Sewerage Pumping Station" or for any purpose contrary to the Approved Plan vide No.L.P.H.C.R.D.T.C.P. M.82-85 in respect of the house sites comprised in Town Survey No.238/2, 238-3A & 238-3C at Aringar Anna Nagar, Peria Thottam village, Kanchipuram town, Kanchipuram District.

For Petitioner : Mr.Vijay Anand
for
M/s.Sree Sun Associates

For Respondent : Mr.STS.Moorthy
Government Pleader for R1 to R6

ORDER

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The petition has been filed as Public Interest Litigation seeking to quash the impugned G.O.Ms.No.50, dated 06.04.2007 issued by the first respondent and to forbear the respondents from converting the area earmarked portion as Children's Park into Sewerage Pumping Station or for any purpose contrary to the approved plan vide No.L.P.H.C.R.D.T.C.P. M.82-85 in respect of the house sites comprised in Town Survey No.238/2, 238-3A & 238-3C at Aringar Anna Nagar, Peria Thottam village, Kanchipuram town, Kanchipuram District.

2. Interim orders were declined vide order dated 21.8.2009 on the plea of the respondents that they had invited objections, though, this position is disputed by the petitioner. The petitioner, aggrieved by the non-granting of the interim relief, moved the Hon'ble Supreme Court, which granted the interim orders on 01.10.2009. The Special Leave to Appeal (Civil) Nos.25013-25014 of 2009 were disposed of on 09.7.2010 on the statement of the learned

counsel for the petitioner that the Sewerage Pumping Station has been shifted by the official respondents making the Special Leave to Appeal (Civil) Nos.25013-25014 of 2009 infructuous.

3. In view of the statement made before the Hon'ble Supreme Court, even the present writ petition has become infructuous, though the learned counsel for the petitioner states that formally the G.O. has not been withdrawn.

4. We, thus, dispose of the writ petition as infructuous, reserving liberty to the petitioner that in case, any portion of the land is sought to be utilised contrary to the designated use, the petitioner can approach by a fresh writ petition. No costs. Consequently, M.P.Nos.1,4 and 5 of 2009 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

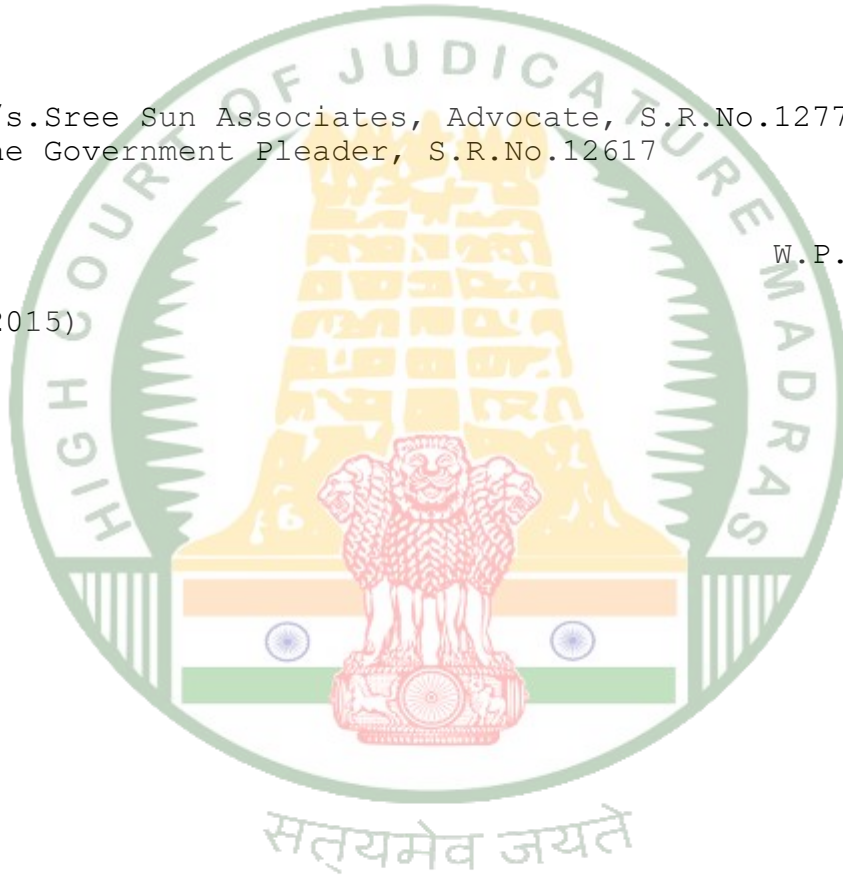
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+1cc to M/s.Sree Sun Associates, Advocate, S.R.No.12776
+1cc to the Government Pleader, S.R.No.12617

NM(CO)
CA(16/03/2015)

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