

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.38618 of 2002
a n d
W.P.M.P.No.57673 of 2002

Sri Ramnagar Residents Welfare Association
rep. By its Secretary
Mr.A.Jeyaram
Manthithope Road
Kovilpatti
Tuticorin District.

Petitioner

Vs

1. The District Collector
Tuticorin District at
Tuticorin.
2. The Commissioner
Kovilpatti Municipality
Kovilpatti
Tuticorin District.

Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the respondents and their men from constructing any building in the place earmarked for Public Park and consequently direct the respondents to create/form park in the land comprised in S.No.582 in Layout/MSPM No.53/83 at Ward No.29 situate at Sri Ram Nagar, Kovilpatti 628 502, Tuticorin District within the Municipal limits of the second respondent.

For petitioner No appearance

For respondents Mr.R.Rajeswaran
Spl.G.P

O R D E R

None appears on behalf of the petitioner. Heard Mr.R.Rajeswaran, learned Special Government Pleader for the respondents.

2. This writ petition has been filed praying to forbear the respondents from constructing any building in the place earmarked for Public Park and consequently direct the respondents to create/form park in the land comprised in S.No.582 in Layout/MSPM No.53/83 at Ward No.29 situate at Sri Ram Nagar, Kovilpatti 628 502, Tuticorin District within the Municipal limits of the second respondent.

4. At the time when the writ petition was entertained, an order of interim stay was granted, forbearing the respondents from putting up any building in the place ear-marked for public path.

5. The respondents had not filed any counter.

6. In the light of the above, this Court is not inclined to alter the status-quo which has been prevailing for thirteen years, especially when the second respondent has not chosen to file counter affidavit.

7. Accordingly, this writ petition is allowed as prayed for. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

mvs.

To

1. The District Collector
Tuticorin District at
Tuticorin.

2. The Commissioner
Kovilpatti Municipality
Kovilpatti
Tuticorin District.

+1 cc to Government Pleader, sr.63113

W.P.No.38618 of 2002

sai co
kra 25.11.2015