



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.2946 of 2011

P.Balaguru

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Municipal Administration & Water Supply
Department, Secretariat,
Chennai.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.Aruppukottai Municipality,
represented by its Commissioner,
Aruppukottai,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the Respondents from converting the land in survey No. 214/12 which is the petitioners community land into a Park in Aruppukottai Taluk Virudhunagar district since the land is being used from time immemorial by the petitioner Community as per the report of Commissioner of Land Administration dated 12/10/2000.

For Petitioner	: No appearance
For Respondents 1-3	: Mr.A.K.Baskarapandian, Special Government Pleader.
For 4 th Respondent	: No appearance

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

None appears for the petitioner.

2.The grievance of the petitioner appears to be that the respondents are converting the land of the petitioner's community in Survey No.214/12 into park.

3.When the matter came up on 15.03.2011, this Court ordered <https://hservices.courts.gov.in/hservices/>. On such notice, the fourth respondent has filed a counter affidavit, dated 25.03.2011. In the counter affidavit, it has been stated as follows:



"3.It is submitted that in G.O.Ms.No.1268, Local Administration dated 16.09.1955, Government have already approved the proposal of the Aruppukottai Municipal Council to form a park in the vacant site in Survey No.214/12 in the Aruppukottai Town subject to the condition that the well in the site has to be maintained and kept open to the public including harijans.

4.It is submitted that the Government in their letetr No.18812/NN5/2000 (MAWS Department) dated 30.05.2000, have rejected the claims of then petitioner's Adhi Dravidar Community people for handing over the remaining portion of the suit land (Municipal Park Land) now in possession with this Municipality. As such the matter for claiming the municipal park land by the petitioner's Adhi Dravidar Community was put to an end.

....

6.It is submitted that the Municipal park named as V.A.S.Sankaralingam -Thillai Sivakamiammal Municipal Park belonging to this Aruppukottai Municipal council has been included in the list of parks, play - fields and open spaces which was also published in G.O.Ms.No.924, Education and Public Health dated 01.06.1965, as required under the provisions of Section 4 of the Tamil Nadu Parks, Play Fields and Open Spaces (Preservation and Regulation) Act XXXI of 1959). As such, the above said Municipal Park land shall not be used for any other purpose, in accordance with the instructions laid down under Rule 6 of the above said Act".

4.In the light of the stand taken by the fourth respondent, the writ petition is not maintainable. Hence, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary,State of Tamil Nadu, Municipal Administration & Water Supply Department, Secretariat, Chennai.
- 2.The Commissioner of Municipal Administration, Chepauk, Chennai.
- 3.The District Collector, Virudhunagar District, Virudhunagar.
4. The Commissioner,Aruppukottai Municipality, Aruppukottai, Virudhunagar District.

+1CC to The Special Government Pleader SR.No.55204.

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