

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.11241 of 2016

J.Firdausi

..Petitioner

Vs.

1. The Sub Collector
Pollachi, Coimbatore District.

2. The Tahsildar
Pollachi Taluk, Pollachi
Coimbatore District.

3. The President
Chinnampalayam Village Panchayat
Chinnampalayam, Pollachi Taluk
Coimbatore District.

4. Varan

...Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the first respondent to
consider and pass orders on merits, by disposing the written
representation made by the petitioner on 26.02.2015 within a
stipulated time.

For Petitioner : Mr.C.Prakasam
For Respondents 1-3 : Mr.P.S.Sivashanmuga Sundaram
Spl. Govt. Pleader

O R D E R

(Made by Huluvadi G.Ramesh, J)

The petitioner seeks a writ of Mandamus directing the first
respondent to consider and pass appropriate orders on the
representation of the petitioner dated 26.02.2015 within a
stipulated time.

2. The petitioner purchased a plot in the approved layout in Chinnampalayam Village, from the Tamil Nadu Electricity Employees Co-operative Housing Society. The said layout approval was obtained after earmarking open place and park for public purpose. The park, along with roads, was entrusted to the third respondent for maintenance. Since the third respondent did not maintain the park properly, the same is being utilised for illegal activities by trespassers. Further, the fourth respondent has constructed a temple in the said park and utilising the entire park for temple purpose, with the help of the third respondent. Hence, the petitioner made a representation to the respondents 1 to 3 on 26.02.2015. But, till date, no action has been taken. Therefore, the petitioner has come up with the above writ petition.

3. When the writ petition came up for admission on 28.3.2016, this Court directed the first respondent to cause inspection and to ensure no further construction of any nature is made in the public park and to report to this Court on the next date of hearing. On 18.4.2016, it was submitted on behalf of the respondents 1 to 3 that a standing instruction was issued to the Village Administrative Officer to maintain status quo and to watch out for developments, if any, that are derogatory to the said order and the same was recorded.

4. A counter affidavit has been filed by the first respondent stating that the office bearers of the temple were instructed not to make any further construction of any nature in the public park and that a standing instruction has been issued to the Village Administrative Officer, Chinnampalayam to maintain status quo.

5. The main grievance of the petitioner is that a public park is being utilised for putting up the temple. However, in view of the averments made in the counter affidavit, this writ petition is disposed of, directing the first respondent to ensure that the public park is maintained by the third respondent and that no trespasser is allowed to carry on any illegal activities and also to dispose of the representation of the petitioner dated 26.02.2015, within a period of two months from the date of receipt of a copy of this order and also directing the first respondent. There shall be no order as to costs. Consequently, WMP No.9757 of 2016 is closed.

kpl

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Sub Collector
Pollachi, Coimbatore District.

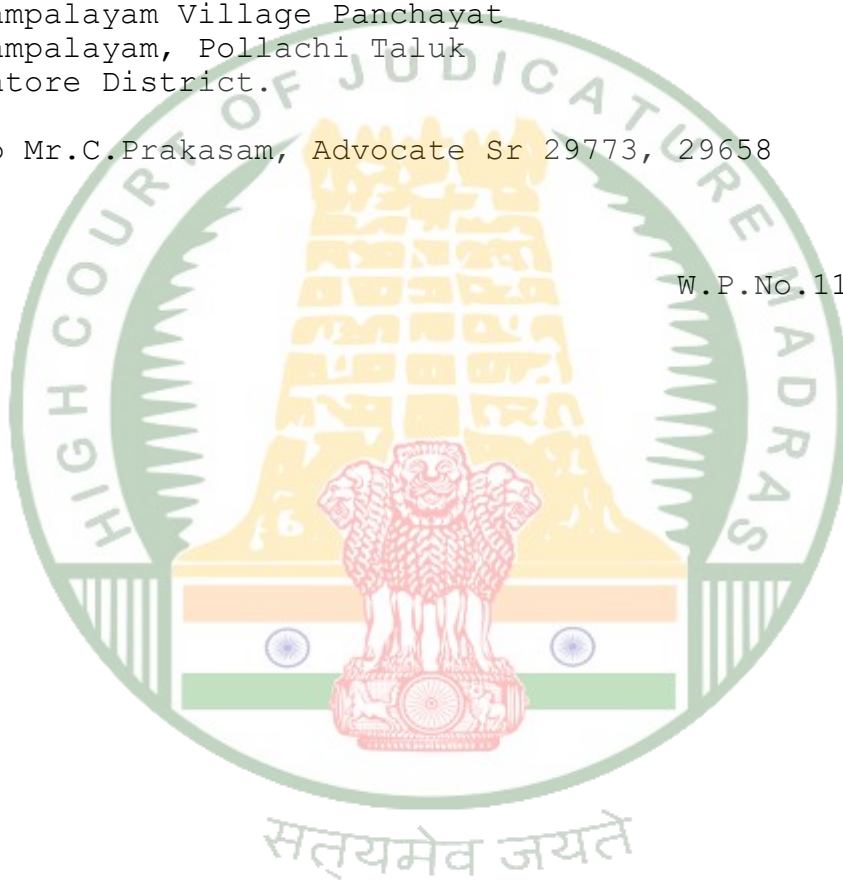
2. The Tahsildar
Pollachi Taluk, Pollachi
Coimbatore District.

3. The President
Chinnampalayam Village Panchayat
Chinnampalayam, Pollachi Taluk
Coimbatore District.

+ 2 ccs to Mr.C.Prakasam, Advocate Sr 29773, 29658

KR/8/6/16

W.P.No.11241 of 2016



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