

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.14539 of 2016

Tamil Nadu Consumer Protection Organisation
Chennai represented by Maduravoyal Branch
Consumer Protection Organisation Secretary
Mr.Ramadoss
4/9, I Main Road, MMDA Colony
Maduravoyal, Chennai 600 095 ... Petitioner

-vs-

1. The State of Tamil Nadu
represented by its Secretary
Department of Rural Development
Fort St.George
Chennai 600 009
2. The District Collector
Thiruvallur District
Thiruvallur
3. The Member Secretary
C.M.D.A., Egmore
Chennai 600 008
4. The Chairman
Tamil Nadu Housing Board
Nandanam
Chennai 600 035
5. The Commissioner
Chennai Corporation
Chennai 600 003 ... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to consider the representation of the petitioner
dated 24.3.2016 not to convert the 7 grounds of OSR (Open Space
Reserved) land in Chennai Corporation Zone 11, Division 144,
MMDA Colony, Water Tank Road, 4th Block, Tamil Nadu Housing
Board, Maduravoyal, Chennai into houses to secure the ends of
justice.

For Petitioner :: Mr.R.Sankarasubbu

For Respondents:: Mr.S.T.S.Murthi
Additional Advocate General
assisted by
Mr.P.Sivashanmugasundaram
Special Government Pleader
for R1 & R2
Mr.C.Johnson for R3
Mr.V.Anandamurthy for R4
Mr.V.C.Selvasekaran for R5

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

The petitioner seeks for issuance of a writ of mandamus, directing the respondents to consider the representation of the petitioner dated 24.3.2016 not to convert the 7 grounds of OSR (Open Space Reserved) land in Chennai Corporation Zone 11, Division 144, MMDA Colony, Water Tank Road, 4th Block, Tamil Nadu Housing Board, Maduravoyal, Chennai into houses to secure the ends of justice.

2. Heard the learned counsel for the petitioner, the learned Additional Advocate General for the State and the respective learned standing counsel for the Chennai Metropolitan Development Authority, Tamil Nadu Housing Board and the Chennai Corporation.

3. It appears that in respect of the place available nearer to the petitioner, they wanted the respondents not to put up any construction and leave it as a lung space for the benefit of the residents of nearby area. However, the submission of the learned Additional Advocate General for the State is that the records do not reflect the position as stated by the learned counsel for the petitioner. Rather there is no such place earmarked as OSR (Open Space Reserved) and as per the records, way back in the year 1999 itself, it was made available for construction. In fact, the learned Additional Advocate General submitted that a counter affidavit has also been filed in this regard.

4. In view of the above, since the records show that way back in the year 1999 itself, it was made available for construction, the petitioner cannot gainsay that the land has to be kept as OSR, even if the construction takes place at a later point of time, for the use of the neighbours. Apart from that, what is being submitted is that the land was originally allocated for the Rural Development Department for training

purpose. Thereafter, having realised that it has become defunct, the Government wanted to utilise the same for a different purpose. In this regard, a decision is also said to have been taken. When the place is not meant for OSR as contended by the learned counsel for the petitioner, we find no merits in the writ petition and accordingly, the writ petition is dismissed. However, if the petitioner is suffering from the hazard of any open space, they can approach the Corporation for a different decision to be taken. The learned counsel for the petitioner also submitted that as citizens of this country, they have to be heard in the matter before taking a decision. Since the petitioner has got every right to seek for protection before the appropriate forum, we are not convinced with the submission of the learned counsel for the petitioner. Consequently, W.M.P.No.12703 of 2016 is also dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Department of Rural Development
Fort St.George
Chennai 600 009

2. The District Collector
Thiruvallur District
Thiruvallur

3. The Member Secretary
C.M.D.A., Egmore
Chennai 600 008

4. The Chairman
Tamil Nadu Housing Board
Nandanam
Chennai 600 035

5. The Commissioner
Chennai Corporation
Chennai 600 003

+1 cc to Mr.C.Johnson Advocate sr 49766
+1 cc to Government Pleader sr 50301

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