

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.34293 of 2013

1.Uma Maheswari
2.R.Valli
3.V.Rajendran
4.J.Malathi

.. Petitioners

-vs-

1.The District Collector,
Kancheepuram District at
Kancheepuram.
2.The Executive Officer,
Thiruneermalai Town Panchayat,
Thiruneermalai,
Kancheepuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 2 to continue to establish a Community Hall (Samooga Koodam) as per Subject No.5 of the Resolution No.13 dated 24.09.2012 in the S.No.388/9, 388/10 part, 388/15 part and 388/16 of Thiruneermalai Village, Tambaram Taluk, Kancheepuram District and on the basis of the representation dated 26.09.2012.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 & R2

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners seek establishment of a Community Hall as per Subject No.5 of the Resolution No.13, dated 24.09.2012 of Thiruneermalai Town Panchayat to be located at Survey Nos.388/9, 388/10 (part), 388/15 (part) and 388/16 of Thiruneernamalai Village, Tambaram Taluk, Kancheepuram District.

2. The learned Additional Government Pleader appearing for the respondents has drawn our attention to paragraph 7 of the counter-affidavit to state that in the mean time the Welfare Association of Chandran Nagar had filed W.P.No.16759 of 2009 and W.P.No.31090 of 2012 for putting up a park on the said land and as per the orders of the Court, Children's park has been established. The requisition of the Ward Members for putting up a Community Hall was postponed. Subsequently, a Resolution was passed vide Resolution No.303, dated 31.01.2013 to put up Children's park in its place and even the petitioners had attended the meeting and did not raise objection. Thus, the earlier Resolution in a sense stands superseded by the subsequent Resolution.

3. In view of the aforesaid facts and circumstances, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Kancheepuram District at
Kancheepuram.

2.The Executive Officer,
Thiruneermalai Town Panchayat,
Thiruneermalai,
Kancheepuram District.

+1 cc to Mr.L.Chandrakumar, advocate,sr.43097

+1 cc to Govt.Pleader,sr.42906.

mpi(co)
krd 9/8

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