

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

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

W.P.No.7846 of 2016 and
WMP.No.6989 of 2016

Vollys Club,
rep. by its Secretary M.Nirmal Kumar,
63, 7th Avenue, Ashok Nagar,
Chennai-600 083. .. Petitioner

-vs-

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.
- 2.The Zonal Officer,
Zone X, No.64, Kalaivanar Salai,
Kodambakkam,
Chennai-600 024.
- 3.The Stadium Officer,
Corporation of Chennai,
Ripon Building, Chennai-600 003.
- 4.The Assistant Engineer,
Division No.133, Ashok Nagar,
Chennai-600 083.
- 5.Red Ants Events,
rep. by its Manager,
B5, Swathi Apartments,
1st Floor, Subba Street,
West Mambalam,
Chennai-600 033. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents, their men, agents, officials, employees, servants, representatives, assigns, etc., and/or anyone claiming through or under them, from using and/or permitting the 9th Avenue Corporation Play Ground situated at Ashok Nagar, Chennai-600 083 to be put to any other use, other than being used as a Play Ground/Playfield.

For Petitioner : Mr.N.L.Rajah
For Respondents: Mr.K.Soundararajan for R1 to R4

ORDER

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

In this Public Interest Litigation, the issue sought to be raised is utilisation of the Corporation playground at 9th Avenue, Ashok Nagar, Chennai (stated to be in existence for the past 40 years) for a weekend event on 5th & 6th March, 2016 viz., the Chennai Eat Street Food Festival.

2. The case of the petitioner is that despite the representation dated 18.02.2016, there has been no response from the respondents. The photographs of sports activities being carried on in the ground have been filed. We may, however, note that it is not as if there is any green area.

3. It is trite to say that the user of the playground for facilities other than sports is not desirable. They do tend to damage the area meant for sports apart from the waste generated.

4. There is, however, an issue of areas of outdoor entertainment being reduced over a period of time where families can visit.

5. We are of the view that it is necessary to have a policy regarding the use of open space by the Corporation, if not already in existence. Necessary precautions have to be taken for protecting the playground. The existing policy may be communicated to the petitioner within a week. If no policy exists, then the issue should be examined and proper policy framed urgently and communicated to the petitioner.

6. The representation of the petitioner dated 18.02.2016 be replied to within one week from today and it shall be ensured that the ensuing event does not disturb the sporting activities. We, however, would not like to disturb the present event, especially keeping in mind the nature and the period of event and that too at the last minute, while extending the aforesaid caution.

7. The writ petition, accordingly, stands disposed of. No costs. Consequently, WMP.No.6989 of 2016 is closed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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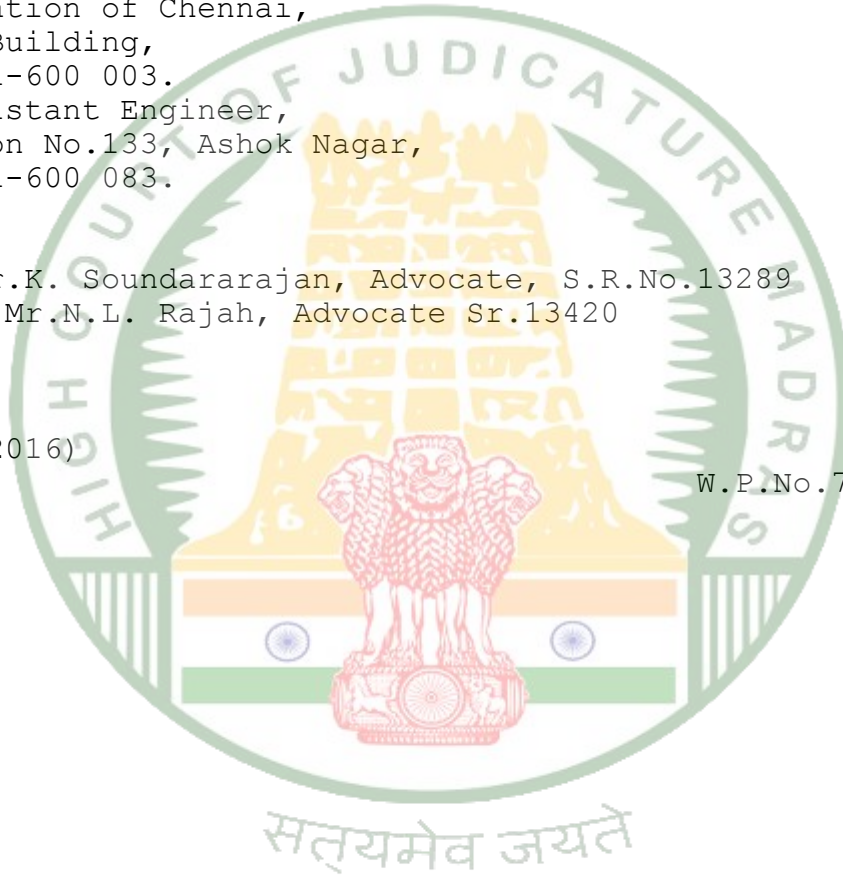
To

- 1.The Commissioner,
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Ripon Building,
Chennai-600 003.
- 4.The Assistant Engineer,
Division No.133, Ashok Nagar,
Chennai-600 083.

+1cc to Mr.K. Soundararajan, Advocate, S.R.No.13289
+ 1 cc to Mr.N.L. Rajah, Advocate Sr.13420

AK(CO)
EU(03/03/2016)

W.P.No.7846 of 2016



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