

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice M.M.SUNDRESH

W.P.Nos.8204 and 8236 of 2016

V.Nandhakumar ... Petitioner in W.P.No.8204 of 2016
V.Rammohan ... Petitioner in W.P.No.8236 of 2016

Versus

1.The State of Tamil Nadu
represented by its Secretary
Municipal Administration and Water Supply Department
Fort St.George, Chennai-9. ... 1st Respondent in
W.P.No.8204 of 2016

2.State of Tamil Nadu
represented by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai. ... 2nd respondent in
W.P.No.8204 of 2016
... 1st respondent in
W.P.No.8236 of 2016

3.The Commissioner of Municipal Administration
Ezhilagam, Chepauk, Chennai 5. ... 3rd respondent in
W.P.No.8204 of 2016
.. 2nd respondent in
W.P.No.8236 of 2016

4.The District Collector,
Karur District. ... 4th respondent in
W.P.No.8204 of 2016

5.The Regional Director for Municipal Administration
Block No.26, Rejenddrachatram,
Arisipalayam, Salem 2. ... 5th respondent in
W.P.No.8204 of 2016
.. 3rd respondent in
W.P.No.8236 of 2016

6.M/S.Sripathy Assoceates,
Represented by its Managing Partner S.Sekar,
No62, Thangaperuamal street, Erode-638 001.
R-5 is impleaded as per Order Dated 13/04/2016 by C.J., and
M.M.S., J in WMP.11769/2016 in W.P.No.8236/2016.

7.The Commissioner,
Karur Municipality, Karur. .. 6th respondent in
W.P.No.8204 of 2016
.. 4th respondent in
W.P.No.8236 of 2016

8.The Chairman,
Karur Municipality, Karur. 7th respondent in
W.P.No.8204 of 2016

W.P.No.8204 of 2016:Petition filed under Article 226 of the
Constitution of India praying for the issue of a writ of
Mandamus, directing the respondents 1 and 2 to maintain the
lands in S.Nos.1482, 1483 and 1484, Sanapiratti Village, Karur
as public park by considering the petitioner's representation
dated 01.03.2016.

W.P.No.8236 of 2016: Petition filed under Article 226 of the
Constitution of India praying for the issue of a writ of
Certiorarified Mandamus, calling for the records of the 4th
respondent comprised in the resolution dated 29.02.2016 in No.F-
1/2016, quash the same arbitrary and illegal in so far as it
relates to the allotment of the lands in S.Nos.1482 (part), 1483
and 1484/A1, Sanapiratti Village, Karur Municipality, Karur
District wherein New Green park is under construction under the
integrated Urban Development Mission and consequently forbear
the respondents from allotting lands in S.F.No.1482 (part), 1483
and 1484/A1, Senapati Village, Karur Municipality, Karur
District admeasuring 10 acres for any other purpose.

For Petitioners ::::Mr.D.R.Arunkumar
in W.P.No.8204 of 2016
Mr.S.Ramesh in W.P.No.8236 of 2016

For Respondents ::::Mr.P.H.Arvind Pandian
Additional Advocate General
assisted by
Mr.STS.Murthi, Government Pleader
for Mr.V.Shanmughasundar
Government Advocate
for R.1 to R.5 in W.P.No.8204 of 2016
and R.1 to R.3 in W.P.No.8236 of 2016.

Mr.A.S.Thambuswamy and
Mr.B.Anand
for R.6 and R.7 in W.P.No.8204 of 2016
and for R.4 in W.P.No.8236 of 2016 .

O R D E R

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

We have taken up the main W.P.No.8236 of 2016 and have also called for the file of W.P.No.8204 of 2016, at request of learned counsel for the parties.

2. The common grievance made is in respect of a park of about 10 acres which according to the petitioners was going to be converted for use for the Medical College or otherwise.

3. It is pointed out to us that the legend may not be correctly showing the area in the typed set of documents, as the total area is actually 30.27 acres. The requirement for the college as per the MCI norms is not less than 20 acres. It is thus submitted that the requirement of the college can be met without disturbing the park.

4. Learned Additional Advocate General on instruction from the second respondent states that the area of the park shall not be disturbed in any manner and shall be maintained as park. Learned Additional Advocate General also states that necessary modification would be made qua allocation of the land as the original allocation was of 25 acres for the College.

5. The aforesaid statement is taken on record and the respondents shall remain bound by the same.

6. In view of the aforesaid, the grievance of the petitioners does not survive and the writ petitions accordingly stand disposed of, leaving the parties to bear their own costs. The interim orders stand vacated.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
represented by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-9.

2.State of Tamil Nadu,
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Health and Family Welfare Department,
Fort St.George, Chennai.

3.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai 5.

4.The District Collector,
Karur District.

5.The Regional Director for Municipal Administration
Block No.26, Rejenddrachatram,
Arisipalayam, Salem 2.

6.The Commissioner,
Karur Municipality, Karur.

7.The Chairman,
Karur Municipality, Karur.

+4cc to M/S.S.Ramesh, Advocate Sr.23278
+2cc to D.R.Arunkumar, Advocate Sr.23400
+1cc to M/S.A.S.Thambusamy, Advocate sr.23200
+1cc to M/S.R.Subramanian, Advocate Sr.5442
+1cc to the Government Pleader Sr.5477

W.P.Nos.8204 and 8236 of 2016

sns[co]
srg 22/04/2016

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