

In the High Court of Judicature at Madras

Dated : 15.12.2017

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM
and
The Honourable Mr. Justice K.RAVICHANDRABAABU

Writ Petition No.31310 of 2017

A.Krishnamurthy

...Petitioner

Vs

1.The Commissioner, Cuddalore
Municipality, Cuddalore District.

2.The District Collector, Cuddalore
District.

3.The Deputy Director, Town &
Country Planning Department,
Cuddalore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pass orders on the representation made by the petitioner dated 23.11.2016 requesting to permit him to utilise the land comprised in T.S.Nos.1087, 1088, 1090 and 1091 at Manjakollai Village, Cuddalore District an extent of 15,000 sq.ft. for the purpose of constructing a community hall or any public utility building by the petitioner within a reasonable time.

For Petitioner : Mr.T.Ayangara Prabu for
M/s.M.Muthappan

For Respondents:Mr.T.N.Rajagopalan, GP

Order of the Court was made by T.S.SIVAGNANAM, J

Mr.T.N.Rajagopalan, learned Special Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, by way of this writ petition, designed as a public interest litigation, seeks a direction to the first respondent - municipality to utilize a land earmarked for a public purpose in a lay out promoted by him in Cuddalore District by either converting it into a park or a play ground or constructing a community hall in the land in question.

3. As has been admitted by the petitioner in the affidavit filed in support of this writ petition, he is a promoter of the housing layout and has executed gift deeds in favour of the first respondent Municipality dated 14.1.1992. By way of the gift deeds dated 14.1.1992, the first respondent municipality has become executant of the land and it has to use the land for public purposes.

4. This Court, exercising jurisdiction under Article 226, cannot direct the first respondent - municipality to use the land for a particular purpose. But, the municipality is duty bound to ensure that the land is put to good use for the benefit of the public so as to prevent any encroachment into the said property. The petitioner has also given a representation dated 23.11.2016 to the respondents as could be seen from the postal acknowledgement.

5. The learned Special Government Pleader appearing on behalf of the respondents submits that a direction may be issued to the first respondent to consider the representation given by the petitioner on merits and in accordance with law.

6. Accordingly, the writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 23.11.2016 on merits and pass appropriate orders in accordance with law, within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner by registered post. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner, Cuddalore Municipality,
Cuddalore District.

2.The District Collector, Cuddalore District.

3.The Deputy Director, Town & Country Planning Department,
Cuddalore.

+ 1 cc to MR. Government Pleader Sr.89914

+ 1 cc t Mr.M. Muthappan, Advocate Sr.90299

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KAN (CO)

EU (08/01/2018)

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