

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17478/2017

M.P.Perumal
President, Ondre Kulam Oruvane
Thevan Oor Samuga Nala Iyakkam
27/16, Nagathamman Koil Street
Hanuman Nagar
Thirumullaivoyal, Chennai 600062. Petitioner

Vs

1. The District Collector
Collectorate, Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer
Revenue Divisional Office,
Tiruvallur.
3. The Tahsildar
Taluk Office, Avadi.
4. The Tahsildar
Taluk Office, Ambattur
Tiruvallur District.

5. The Commissioner
Avadi Municipality
Avadi, Tiruvallur District.

6. Punithavathi
7. Sharmila
8. Padmini

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 5 to restore the Government Playground from the encroachers in Survey No.468/1 an extent of

4840 square feet in Tirumullaivoyal Village on the petition dated 23.06.2017.

For Petitioner	: Mr.S.Radhakrishnan
For RR 1 to 4	: Mr.A.N.Thambidurai, Spl.GP
For R5	: Mr.P.Srinivas

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4 and Mr.P.Srinivas, learned Standing counsel accepts notice on behalf of the 5th respondent.

2 The petitioner Association claims that it is a Registered Association bearing No.108/2016 registered under the Tamil Nadu Societies Registration Act. According to the petitioner, one Tmt.Padmini, the 8th respondent herein, had purchased a land admeasuring to an extent of 4900 sq.ft., in Thirumullaivoyal Village, Ambattur Taluk, comprised in Survey Nos.467/1&3 and 468/1 part and a part of Plot No.13, through a registered Sale Deed dated 09.09.2002 bearing Document No.5071/2002 and it is the specific case of the petitioner that the said land has been reserved for the purpose of playground.

3 The petitioner would further aver that the 6th respondent who is working in the Ambattur Taluk office, had encroached upon the said land and along with his sister, viz., the 7th respondent, started putting up a compound wall. It is also the case of the petitioner that the registered Sale Deed dated 09.09.2002, referred to above, itself is a fabricated document and the respondents 6 and 7 have no right whatsoever in respect of the land reserved for public purpose and in this regard, has also submitted a detailed representation dated 23.06.2017 to the respondents and despite receipt and acknowledgment, he is yet to be favoured with any kind of response and hence, came forward to file the present writ petition.

4 Heard, the learned counsel appearing for the petitioner; Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.P.Srinivas, learned standing counsel appearing on behalf of the 5th respondent.

5 Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 5th respondent to put the respondents 6 to 8 on notice and thereafter, shall consider and dispose of the petitioner's representation dated 23.06.2017 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 6 to 8 herein.

6 The writ petition stands disposed of with the above direction at the admission stage itself. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

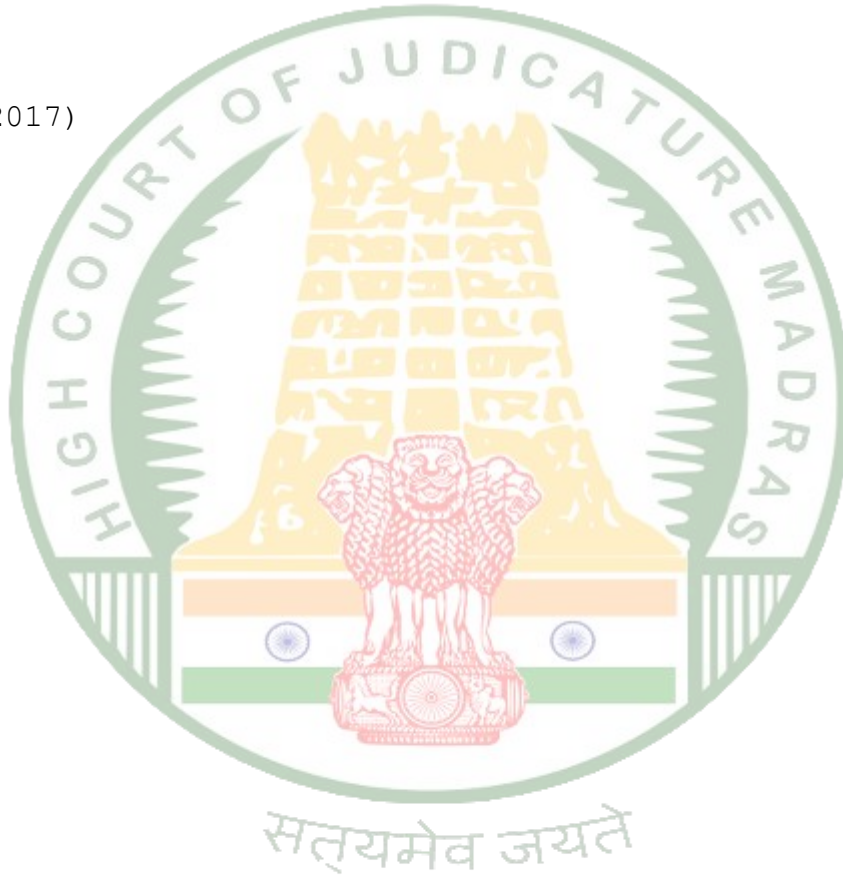
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5. The Commissioner
Avadi Municipality
Avadi, Tiruvallur District.

+1cc to Mr.S.Radhakrishnan, Advocate Sr. 48389
+1cc to the Government Pleader, Sr. 48605

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AR(V)
VR(27/07/2017)



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