

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 02.08.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.13768 of 2017

S.Joseph Daniel

:Petitioner

Vs.

1.The Commissioner,
Tiruchirappalli City Corporation,
Trichy.

2.The Assistant Commissioner,
Ponmalai Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli.

3.The Assistant Commissioner,
Ariyamangalam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli.

4.The Member Secretary,
Tamil Nadu Town and Country Planning Department,
10, Williams Road, Cantonment,
Trichy.

: Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 27.06.2016, 01.07.2016, 19.01.2017 and 28.03.2017 and direct the respondents 1 and 2 to construct the Park in Netaji Nagar layout in Ma.Pi.Va./Ma (Thi.Th)No.71/88 and Ma.Va./Thavici No.532/89' without any further delay and in failure of which shall permit the Netaji Nagar Residents Welfare Association to build the park.

For Petitioner

: Mr.S.Vinod Sathya Lazar

For R1 to R3

: Mr.N.S.Karthikeyan
Standing Counsel

For Respondent No.4

: Mr.M.Govindan
Special Government Pleader

**ORDER****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed by the General Secretary, Netaji Nagar Residents Welfare Association, Netaji Nagar, Thiruverambur, Trichy-13. This Association is a registered society.

WEB COPY

2.It is the case of the writ petitioner that the plot earmarked as park in Netaji Nagar layout, which was also gifted to the then Local Body, is not being maintained as such. The said Association has given representations since 2015. Since the respondent Corporation did not take any action, the present writ petition has been filed.

3.There is no dispute on facts. The Netaji Nagar is located in an approved lay out. The plot has been earmarked for park purpose in the said layout. The said area had already been gifted to the Local Body. Therefore, it is the duty of the Local Body to maintain the said park. Unfortunately, on account of various reasons this has not happened. Therefore the local residents' Welfare Association has come forward to develop the park. This cannot be objected to by the respondents.

4.Therefore, this Court directs the Trichy City Corporation to permit the Netaji Nagar Welfare Association to develop a park in the place earmarked for the purpose. It is made clear that the said park will be accessible to the members of the general public. The title in respect of the park will rest only with the Local Body. No right shall be claimed by the petitioner's Association. The importance of maintaining parks in a good condition does not really require any emphasis. They have been described as lungs in urban setting. Therefore the offer that is being made by the writ petitioner's Association deserves to be welcomed. But, it is reiterated that the open spaces that is to be developed as a park shall remain open to all. The first respondent shall issue proceedings granting permission, as indicated above, by stipulating the requisite conditions within four weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,

Tiruchirappalli City Corporation,
Trichy.



2.The Assistant Commissioner,
Ponmalai Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli.

3.The Assistant Commissioner,
Ariyamangalam Zone,
Tiruchirappalli City Corporation,
Tiruchirappalli.

4.The Member Secretary,
Tamil Nadu Town and Country Planning Department,
10, Williams Road, Cantonment,
Trichy.

+1cc to Mr.S.Vinod Sathya Lazar Advocate in SR. No.69942

TSG/SKM

JS/SKN.RSK/SAR.1/24.08.2017/ 3P-6C

Order made in
W.P(MD)No.13768 of 2017
Dated : **02.08.2017**