



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16688 of 2017

and

W.M.P.(MD).No.13291 of 2017

M.R.Nagarajan

: Petitioner

Vs.

1.The Director of Town and Country Planning,
Chennai.

2.The Deputy Director Town and Country Planning,
Madurai Region,
Madurai.

3.The Executive Authority/Member Secretary,
Sivakasi Local Planning Authority,
Sivakasi.

4.The Commissioner,
Sivakasi Municipality,
Sivakasi.

5.G.Ashokan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the impugned proceedings of the fourth respondent in Na.Ka.No.8725/2015/F1, dated 17.05.2017 and quash the same and consequently direct the respondents one to four herein to take immediate steps to recover the land from the fifth respondent and allot the same for the public purpose within the time fixed by this Court.

For Petitioner

: Mr.S.T.Sasidharan Tamilkani

For R.1 to R.3

: Mr.T.S.Md.Mohideen

Additional Government Pleader

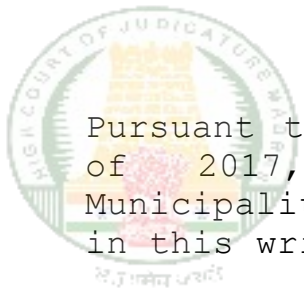
For R.4

: Mr.N.Dilipkumar

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner filed this writ petition in public interest. He earlier moved this Court by filing W.P.(MD).No.5665 of 2017, for removal of the encroachment in Ward-C, Block No.13, Town Survey No.15 and 16 in Sivakasi Town. This Court directed the Commissioner, Sivakasi Municipality, to look into the matter.



Pursuant to the direction of this Court made in W.P.(MD).No.5665 of 2017, dated 04.04.2017, the Commissioner, Sivakasi Municipality, passed the order dated 17.05.2017, that is impugned in this writ petition.

2.The grievance of the writ petitioner is that the area earmarked as a park in the original lay out is now a private property. It is mentioned in the impugned order that while the averment of the writ petitioner with regard to earmarking of Survey No.15 and 16 as a park in the original lay out is correct, there was a subsequent development and that took place way-back in the year 1973. The park area was allowed to be converted into a private site then itself. That apart, in respect of the very same cause of action, W.P.(MD).No.13285 of 2013, was filed by one R.Arumugam and the same was dismissed on 07.09.2015.

3.Taking note of the submission of the fifth respondent herein that the subject land is a private land, the reasons assigned in the impugned order for rejecting the request of the writ petitioner are sound. When there has been conversion of a site way-back in the year 1973, the same cannot be agitated at this point of time. The writ petitioner has not questioned the order of conversion. In any event, it cannot be allowed to be questioned at this point of time. We see no reason to interfere with the impugned order.

4.The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Director of Town and Country Planning, Chennai.

2.The Deputy Director Town and Country Planning,
Madurai Region, Madurai.

3.The Executive Authority/Member Secretary,
Sivakasi Local Planning Authority, Sivakasi.

4.The Commissioner,
Sivakasi Municipality, Sivakasi.

+1cc to Mr.N.DILIP KUMAR, Advocate, SR.76980

+1cc to Mr.S.T.SASIDHARAN TAMILKANI, Advocate, SR. 76827

+1cc to M/S.Special Government Pleader, SR. 76978

W.P. (MD) No.16688 of 2017

and

W.M.P. (MD) .No.13291 of 2017

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