



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4341 of 2017
and
W.M.P. (MD) No.3490 of 2017

R.Rani : Petitioner

Vs.

- 1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
- 2.The Assistant Director of Panchayats,
O/o. District Collectorate,
Tiruchirapalli District,
Tiruchirapalli.
- 3.The Block Development Officer,
Thiruverumpur Panchayat Union Office,
Thiruverumpur,
Tiruchirapalli-13.
- 4.The Panchayat Secretary,
Navalpattu "A" Grade Panchayat,
Navalpattu,
Thiruverumpur Taluk,
Tiruchirapalli-16.
- 5.J.Balamoorthy
- 6.The Executive Engineer,
Tiruchirapalli Division,
The Tamil Nadu Housing Board,
Tiruchirapalli.
[R-6 is suo motu impleaded vide Court
Order dated 26.07.2017 in
W.P. (MD) No.4341 of 2017]

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from holding any unauthorized weekly market in the name and style of "Amma Weekly Market" situated in "Nokia Ground" in Annanagar Phase-I, Navalpattu Panchayat, Thiruverumpur



Taluk, Tiruchirapalli-26 and consequently, direct the respondent Nos.1 to 4 to recover the amount of Rs.65,000/- from the respondent No.5 regarding collection of illegal rent from the vendors without any authority of law.

For Petitioner : Mr.T.Lajapathy Roy
 For Respondents 1&2 : Mr.T.S.Mohammed Mohideen,
 Additional Government Pleader
 For Respondent No.4 : Mr.M.Syed Ali
 for Mr.P.Kumar
 For Respondent No.5 : Mr.P.Vinoth
 for Mr.R.Subramanian
 For Respondent No.6 : Mr.Arputharaj
 for Mr.Sivaramalingam

ORDER

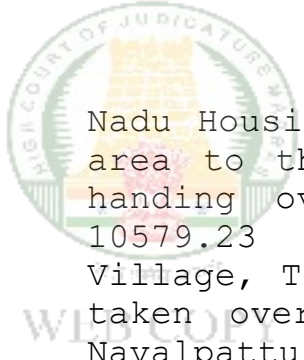
[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to forbear the fifth respondent from holding any unauthorized weekly market in the name and style of "Amma Weekly Market" situated at "Nokia Ground" in Annanagar Phase-I, Navalpattu Panchayat, Tiruverumpur Taluk, Tiruchirapalli-26. It is the case of the petitioner that the fifth respondent has been conducting a weekly market by occupying a public property.

2. During the currency of this Writ Petition, it was informed by the Block Development Officer that the property in question was earmarked as a park by the Tamil Nadu Housing Board. However, the park area was not handed over to the Navalpattu "A" Grade Panchayat. In view of the said submission, we have impleaded the Executive Engineer, Tamil Nadu Housing Board, Tiruchirapalli Division, as the sixth respondent in this Writ Petition.

3. The Writ Petition was heard at length on multiple occasions. It was brought to our notice that the Tamil Nadu Housing Board submitted a layout plan before the Navalpattu "A" Grade Panchayat for approval. The Panchayat approved the layout subject to the condition that 10579.23 Square Metres in Survey No.310 Part should be earmarked as a park. It is the grievance of the petitioner and the Panchayat that action was not taken by the Tamil Nadu Housing Board, to entrust the park area to the Local Body for maintenance.

4. Before this Court, the Tamil Nadu Housing Board, submitted that they have made a proposal for a fresh layout, taking into account the area reserved for the park. Since the developer of a plot is not expected to convert the parking area for any other purpose, we have directed the Tamil Nadu Housing Board to use the property only for the purpose of which it was earmarked in the approved layout. The direction was complied with by the Tamil



Nadu Housing Board, Trichy Housing Unit, by handing over the park area to the Block Development Officer on 16 August, 2017. The handing over report indicates that the park area admeasuring 10579.23 Square Metres in Survey No.310 Part at Navalpattu Village, Tiruverumpur Taluk in the district of Tiruchirapalli, was taken over by the Block Development Officer on behalf of the Navalpattu "A" Grade Panchayat.

5. We direct the Block Development Officer, Thiruverumpur Panchayat Union, who is presently functioning as the Special Officer of Navalpattu "A" Grade Panchayat, to develop the park and maintain it in the interest of the general public. We restrain the fifth respondent from occupying the said land for any purpose. The Executive Engineer, Tamil Nadu Housing Board, Tiruchirapalli Division shall execute necessary documents, if any, in favour of the fourth respondent for completing the process of handing over the park in question.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

To:

- 1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
- 2.The Assistant Director of Panchayats,
O/o. District Collectorate,
Tiruchirapalli District, Tiruchirapalli.
- 3.The Block Development Officer,
Thiruverumpur Panchayat Union Office,
Thiruverumpur, Tiruchirapalli-13.

+1CC to Mr.R.Subramanian, Advocate, SR.No. 73006

+1CC to the Special Government Pleader SR.No. 73210

Order made in
W.P. (MD) No.4341 of 2017
Dated:
17.08.2017