



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM

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

**W.P(MD)No.7152 of 2017
and
WMP(MD)No.5651 of 2017**

Santhosh Nagar Welfare Association
rep.through
its President R.Kumar

.. Petitioner

Vs.

1. The District Collector,
Collectorate, Trichy.
2. The Commissioner,
Tiruchirapalli City Municipal Corporation,
Trichy - 1.
3. The Assistant Commissioner,
Ponmalai Division,
Tiruchirapalli City Municipal Corporation,
Trichy - 1.
4. The Deputy Director,
Town and Country Planning Department,
Cantonment, Trichy - 1.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from changing the purpose of having public park as per the approval granted by the planning authorities contemplated under Town and country Planning Act in 86 cents comprised in Re-Survey No.114/2, 114/3, 114/4, 115/1, 115/2, 115/3A, 115/3B, 115/4 and 115/5 of Agaram Village, Thiruverumbur Taluk, Thiruchirappalli City Municipal Corporation area.

For Petitioner	: Mr.N.GA.Natraj
For R - 1	: Mr.M.Govindan
	Special Government Pleader
For RR - 2 & 3	: Mr.N.S.Karthikeyan

**ORDER**

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

The petitioner filed this Writ Petition to restrain the City Municipal Corporation from using the public park for putting up solid waste management.

2.The Assistant Commissioner, Tiruchirapalli City Corporation in his counter affidavit dated 26th July, 2017 made it clear that there is no proposal for putting up of solid waste management, micro compassionate yard in the common area in Santhosh Nagar layout. Paragraphs 5 and 6 of the counter affidavit would read thus:

"5.I respectfully submit that the allegation of the petitioner that a micro compost yard under solid waste management is proposed to be constructed by the City Corporation and solid waste are going to be dumped in that area is false. I submit that no construction activities for dumping of any solid waste was carried out by the City Corporation in the petition mentioned 86 cents in Re-Survey Nos.114/2, 114/3, 114/4, 115/1, 115/2, 115/3A, 115/3B, 115/4 and 115/5 of Agaram Village as alleged in the affidavit of the petitioner.

6.I respectfully submit that the petition mentioned Santhosh Nagar layout was approved by the Directorate of Town and Country Planning vide No.914/1990 with a park site for the layout consist of two parts one on the southern side and another one on the northern side. I submit that a total area to the extent of 36297 square feet was allotted for the common utility as proposed for park. The residents of the Santhosh Nagar in that common utility proposed park area has constructed an unauthorized and unapproved temple for their common utility, which covers a total area to the extent of 1520 square feet. In the remaining area on the request and various oral representation of the residents of the Santhosh Nagar including the petitioner association to construct a water tank for the water supply to the residents of the locality. The tank was constructed in the common utility area proposed for the park in the Santhosh Nagar layout on the request of the residents of the Santhosh Nagar lay out. It covers an area to the extent of 10000 square feet. The remaining extent of common utility are in the Santhosh Nagar layout is 11520 square feet. The petitioner has admitted in his affidavit in para 10 that the overhead tank was constructed on



their request to meet out the water problem in their locality."

3. In view of the clear statement made on behalf of the Tiruchirapalli City Corporation, there is no need for a further adjudication of the issue raised by the petitioner. It is always open to the petitioner to approach this Court, in case, there is a violation of the undertaking given by the local body or its statement on oath.

4. The Writ Petition is disposed of with the above observation. No costs. Consequently, WMP(MD)No.5651 of 2017 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Trichy.
2. The Deputy Director,
Town and Country Planning Department,
Cantonment, Trichy - 1.

+1cc to Mr.N.GA.Natraj, Advocate Sr.No.68018

+1cc to Mr.N.S.Karthikeyan, Advocate SR.No.67842

MJ

VB/GT/SAR2/08/08/2017/3P/5C

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