



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

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THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.23909 of 2016 and
WMP(MD)No.17244 of 2016

J.K.Nagar Kudiruppor Vizhipunarvu
Sangam (Regd No.43 of 2013),
Rep by its President,
M.Anbalagan,
Having Office at,
160,J.K.Nagar,
Tiruchirappalli-23.

... Petitioner

-vs-

1. The District Collector cum Chairman,
Tiruchirappalli Local Planning Authority,
Collectorate, Tiruchirappalli.
2. The Deputy Director,
Town and Country Planning,
Trichy Region,
19, Williams Road,
Cantonment, Tiruchirappalli-1.
3. The Commissioner,
Tiruchirappalli City Municipal corporation,
Bharathidasan Road, Cantonment,
Tiruchirappalli-1.
- 4.Anbu, Real Estates, Tiruchirappalli.
- 5.M.Thulasiraman
- 6.S.Aasaithambi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in children play ground area situated in S.F.Nos.118/1-2, 119/1-2, 120/1 at J.K.Nagar, Ponmalai Zone, Ward No.35, Tiruchirappalli District, within a time frame fixed by this Court.



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For Petitioner : Mr.R.S.Sivaram
For RR - 1 to 3 : Mr.M.Govindan
Special Government Pleader
For RR - 5 & 6 : Mr.T.SenthilKumar

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachments which are in existence in S.F.Nos.118/1-2, 119/1-2, 120/1 at J.K.Nagar, Ponmalai Zone, Ward No.35, Tiruchirappalli District by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that in J.K.Nagar approved lay out, a particular place has been set apart as a playground, wherein, certain encroachments are in existence. Under the said circumstances, the present Writ Petition has been filed.

3.The learned counsel appearing for the respondents 5 and 6 has contended to the effect that in J.K.Nagar approved lay out, so many temples have been put up. Under the said circumstances, the entire lay out has to be surveyed with the assistance of proper revenue records.

4.Considering the fact that in J.K.Nagar approved lay out, a place has been set apart as playground and also considering the contention put forth on the side of the petitioner to the effect that in the playground, some encroachments are in existence, this Court is inclined to pass the following order.

5.In fine, this Writ Petition is allowed in part without cost. The third respondent is directed to conduct proper survey in respect of the entire J.K.Nagar approved layout, Ponmalai Zone, Ward No.35 with the assistance of revenue records and if there is any encroachment in common places, directed to remove the same under due process of law within a period of three months. Consequently, WMP(MD)N0.17244 of 2016 is closed.

Sd/-

Assistant Registrar (CS-III)



To

1. The District Collector cum Chairman,
Tiruchirappalli Local Planning Authority,
Collectorate, Tiruchirappalli.
2. The Deputy Director,
Town and Country Planning,
Trichy region,
19, Williams Road,
Cantonment, Tiruchirappalli-1.
3. The Commissioner,
Tiruchirappalli City Municipal corporation,
Bharathidasan Road, Cantonment,
Tiruchirappalli-1.

+ 1 CC TO Mr.R.S.SIVARAM, ADVOCATE IN SR No. 18871
+ 1 CC TO Mr.T.SENTHILKUMAR, ADVOCATE IN SR No. 18459

MJ

TE/SKN-RSK/SAR-II : 05/04/2017 : 3P/6C

W.P (MD) No.23909 of 2016
28.03.2017