

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.09.2018

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 11593 of 2017
W.M.P.Nos.12597, 20773 and 24030 of 2017

M/s.Padi Kumaran Nagar Educational and Charitable Trust
Represented by its Founder/Managing Trustee
Mr.E.Chakaravathy
Door No.SF-4, Plot No.32/33,
Jemi Apartments, Nehruji Street,
Kumaran Nagar, Padi
Chennai - 600 050.

..Petitioner

vs

1. The Commissioner,
Directorate of Town and Country Planning
No.807 Anna Salai,
Chennai - 600 002.
2. The Zonal Officer,
Greater Chennai Corporation,
Zone - 7,
Ambattur, Chennai - 600 053.
3. The Liquidator (Collector Assignor)
Padi Co-Operative House Building Society,
Assistant Registrar Office
No: 18 Ramanathan Street,
Mambalam, Chennai - 600 017.
4. The Tahsildar,
Office of the Tahsildar of Ambattur,
Thiruvallur District,
Ambattur, Chennai - 600 053.
5. The Inspector of Police,
Korattur Police Station,
Korattur, Chennai.
6. P.John Ilango

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ in the nature of Writ of Mandamus forbearing the fourth respondent from carrying out any survey of the land which is said to be have been purchased by the sixth respondent at Padi village, Kumaran Nagar, forming part of old survey field numbers 266/1 part, 300

part, 301 par, new ward No.1, Block No.27, Town survey filed number 97/2 measuring an extent of about 3000 square feet, out of a larger extent of 8160 square feet, through document bearing number 4271 of 2016, registered at the office of the Sub-Registrar of Villivakkam as the same forms part and parcel of the lands earmarked for school and children play ground according to the original plan approved by the Joint Director of Town Planning, Government of Madras in reference number L.P.H./DTP No.105/64 and pass such further or other orders.

For Petitioner : Mr.C.P.Hem Kumar for
Ganesh & Ganesh

For Respondents: Mr.V.C.Selva sekaran for R1 & R2

Mr.M.R.Murugan for R3

Ms.Narmadhasampath
Additional Advocate General
Assisted by Mr.R.S.Selvam
Government Advocate for R4 & R5

Mr.V.Raghavachari
for Mr.C.Jaya Prakash for R6

O R D E R

The relief sought for in this writ petition is for direction to direct the fourth respondent from carrying out any survey of the land which is said to be have been purchased by the sixth respondent at Padi village, Kumaran Nagar, forming part of old survey field numbers 266/1 part, 300 part, 301 par, new ward No.1, Block No.27, Town survey filed number 97/2 measuring an extent of about 3000 square feet, out of a larger extent of 8160 square feet, through document bearing number 4271 of 2016, registered at the office of the Sub-Registrar of Villivakkam as the same forms part and parcel of the lands earmarked for school and children play ground according to the original plan approved by the Joint Director of Town Planning, Government of Madras in reference number L.P.H./DTP No.105/64.

2. The grievances of the writ petitioner is that layout of housing plots in the name and style of Kumaran Nagar was established in the year 1964 at Padi village, Ambattur Taluk, Thiruvellore District, comprised in Survey filed numbers 262, 263/1 to 6, 265, 266, 267, 268, 269, 270, 1 and 2, 300/1 to 3, 301 and 302/3 totally measuring an extent of about 21 acres of land, and the several third parties are claiming title in respect of the portion of the land, which was earmarked for the purpose of maintaining school and play ground.

3. The learned Additional Advocate General produced the copy of the layout plan. As per the layout plan, the portion is earmarked for the purpose of school and play ground. However, some greedy men are attempting to grab the public land, which is meant for public usage. As the property value in and around Chennai are increasing, these greedy men are attempting to grab this land by creating some fraudulent and forged documents with the connivance of some officials, who are also failing in performing their duties and responsibilities.

4. The learned Additional Advocate General made a submission that even the third respondent viz., the Liquidator, Padi Co-operative House Building Society is unnecessarily interfering with the property, which is earmarked for the purpose of maintaining a school and play ground. Now that, no school has been constructed in the area and therefore, the said area should be used as a park or as a play ground for the welfare of children. Now a suggestion is made that in the event of constructing a school in that locality by the Corporation of Chennai, the children of that locality will be benefited.

5. The learned counsel appearing for the petitioner/Trust also across the bar made a submission that in the event of such proposal to construct a school for children, the petitioner also will donate liberally. Therefore, the Corporation of Chennai has to take an initiative to construct a school for the welfare of the children of that locality.

6. This Court is of an opinion that the original approved layout plan shows that the particular area is earmarked for the construction of school and play ground. This being the approved plan, none of the authorities have any authority to interfere with the maintenance of the area as school and play ground. Any encroachment in the particular area has to be removed by the competent authorities.

7. The fourth respondent-Tahsildar, Ambattur should ensure that the land is kept vacant and handed over to the Corporation of Chennai for the purpose of constructing school and play ground for the benefit of the children. Even, if there is any encroachment, the Tahsildar, Ambattur is directed to follow the procedures contemplated under the Tamil Nadu Land Encroachment Act and evict all such encroachments and handover the land to the Chennai Corporation as early as possible.

8. The Chennai Corporation on taking possession of the said land shall propose to construct a school, as the writ petitioner is also ready to contribute liberally for the construction of school and further utilize the service of all such good hearted people and implement the same without any further delay.

9. In this view of the matter, the relief as sought for in this writ petition deserves no consideration. It is made clear that the land earmarked for the purpose of construction of school and playground to be maintained by the Corporation of Chennai and at the earliest possible, a school shall also be constructed.

10. Accordingly, the following orders are passed :

i. The relief sought for in this writ petition stands rejected.

ii. The fourth respondent The Tahsildar, Ambattur is directed to measure the said land as per the original layout plan and evict all the encroachments by following the procedures contemplated under law within a period of four weeks from the date of receipt of a copy of this order.

iii. After taking possession of the entire land, the Tahsildar shall handover the possession to the competent authorities of the Corporation of Chennai.

iv. The Corporation of Chennai shall take possession of the said portion of the said property and take steps to construct a school for the welfare of the children in that locality. The said exercise shall also be done within a reasonable time.

11. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pns/rts

To

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Directorate of Town and Country Planning
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Chennai - 600 002.
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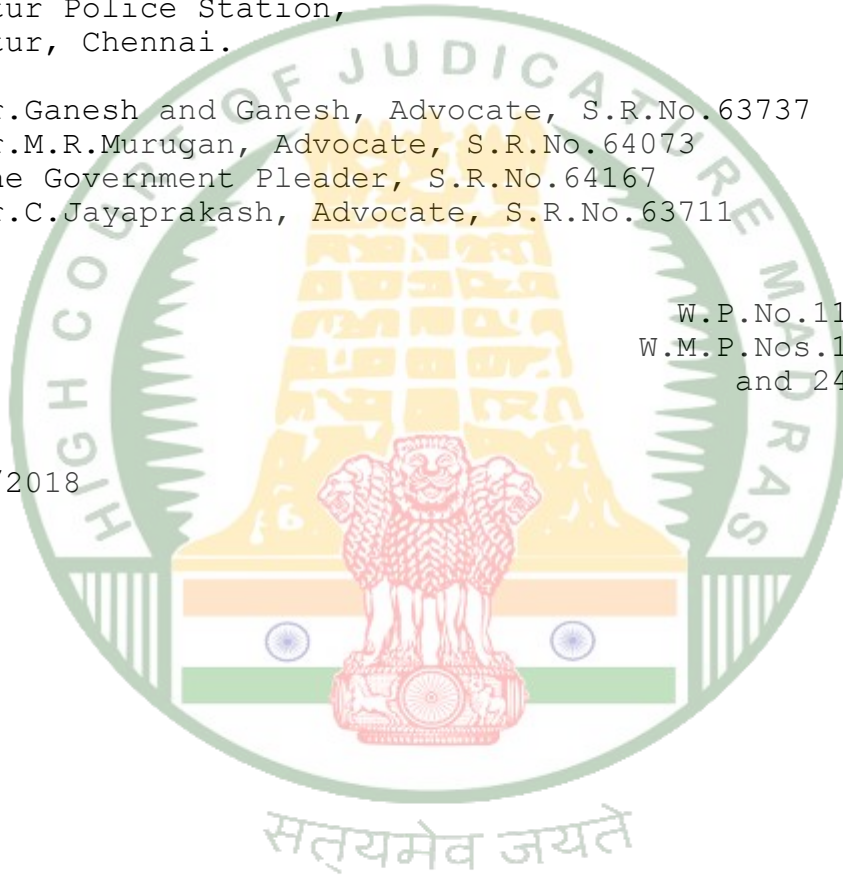
5. The Inspector of Police,
Korattur Police Station,
Korattur, Chennai.

+2cc to Mr.Ganesh and Ganesh, Advocate, S.R.No.63737
+1cc to Mr.M.R.Murugan, Advocate, S.R.No.64073
+1cc to the Government Pleader, S.R.No.64167
+1cc to Mr.C.Jayaprakash, Advocate, S.R.No.63711

W.P.No.11593 of 2017
W.M.P.Nos.12597, 20773
and 24030 of 2017

AD(CO)

rrs 08/10/2018



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