

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30..10..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.16518 of 2018

Nedunchalai Nagar Welfare Association,
(Regd. No.232/2011),
Rep. by its Secretary Mr.S.Venkatesan,
No.82/136-DF, Ganga Street,
Nedunchalai Nagar,
Salem.

... Petitioner

-Versus-

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Salem Corporation,
Salem.

3.The President / Secretary,
Nedunchalai Nagar Kooturavu
Veedu Kattum Sangam,
Sooramangalam Main Road,
Thiruvagoundanur,
Salem 636 005.

4.The Registrar,
House Building Society,
Tamil Nadu Housing Board Campus,
493, Anna Salai,
Nandhanam,
Chennai 600035.

... 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 consider the petitioner's representation dated 19.03.2018 for the respondent-3 has to hand over the 19457 square feet of land in S.NO.20/2A of Bodinaickenpaty Village property by license Registration No.9/75 - C.No.2361/75 to the respondent-2 under the supervision of 4th respondent to form a children's park and walking ground for senior citizens.

For Petitioner : Mr.V.Vijayakumar
For Respondents : Mrs.K.Bhuvaneswari,
Standing Counsel for R1
and R2
Mr.M.S.Palaniswamy,
Standing Counsel for R3
Mr.L.P.Shanmugasundarm,
Spl. G.P. for R4

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 in the form of writ of mandamus for considering the representation of the petitioner dated 19.03.2018 for a direction to the 3rd respondent to hand over the land measuring an extent 19457 square feet comprised in S.No.20/2A at Bodinaickenpatty Village which has been reserved for public purpose so as to form a children park and walking ground for senior citizens.

2. The grievance of the petitioner is that the total extent of 19457 square feet of land, which has been reserved for public purpose in the lay out has not been developed and the 3rd respondent did not hand over the land to the local body concerned for development purpose, hence, this writ petition.

3. The 3rd respondent had already filed a detailed counter denying the averments made in the writ petition. Today, when the matter was taken up for hearing, the 3rd respondent filed an additional counter affidavit contending that the society had already gifted 4.75 Acres and 3404 square feet of land out of 13.72 Acres of land in favour of Sooramangalam Municipality for public purpose under a Registered Gift Deed dated 22.04.1992 vide Doc.No.984 registered on the file of the Sub Registrar, Salem. The Town and Country Planning Authority earmarked 19454 square of land for building a community hall and formation of children play space. The 3rd respondent further stated that the society had passed a resolution in the General Body Meeting held on 22.02.2017 to build a community hall and also to form a playground for children in the area earmarked for public purpose. According to the 3rd respondent, a copy of the resolution with a request to permit the Society to proceed with the work as resolved is to be sent to the Registrar of Cooperative Societies (Housing) Chennai for approval.

4. The relevant portion of the additional counter affidavit filed by the 3rd respondent reads as follows:-

"3. Society gifted 4.75 Acres and 3404 square feet of land out of 13.72 Acres of vacant

land in favour of Sooramangalam Municipality for public purposes under a registered gift deed dated 22.04.1992 in document No.984 at Sub Registrar, Salem. The Town and Country Planning Authority earmarked 19454 square feet of land for building a community hall and formation of children play space. This Society passed a resolution in the general body meeting dated 22.02.2017 to build a community hall and also to form a children space play ground in that earmarked area. The copy of the resolution with a request to permit the Society to proceed with the work as resolved is to be sent to the Registrar of Cooperative Societies (Housing) Chennai for permission.

5. In light of the averments in para 3 of the additional counter affidavit and the submission made by the learned standing counsel for the 3rd respondent that it has been decided by the 3rd respondent to build a community hall and also to form a playground for children and a resolution has also been passed in this regard on 22.02.2017, this court is of the view that nothing survives in this writ petition for further adjudication and the writ petition deserves to be closed.

6. In the result, this writ petition is closed recording the additional counter affidavit filed by the 3rd respondent as nothing survives in this writ petition for further adjudication. However, in the event, the 3rd respondent fails to develop the lands in question as set out in the additional counter affidavit, it is always open to the petitioner to take appropriate action in the manner known to law. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

kmk

To

- 1.The District Collector, Salem District, Salem.
- 2.The Commissioner, Salem Corporation, Salem.
- 3.The President / Secretary, Nedunchalai Nagar Kooturavu
Veedu Kattum Sangam, Sooramangalam Main Road,
Thiruvagoundanur, Salem 636 005.

4.The Registrar, House Building Society, Tamil Nadu Housing Board Campus, 493, Anna Salai, Nandhanam, Chennai 600035.

+1 cc to Mrs.K.Bhuvaneswari, Advocate sr 75214.

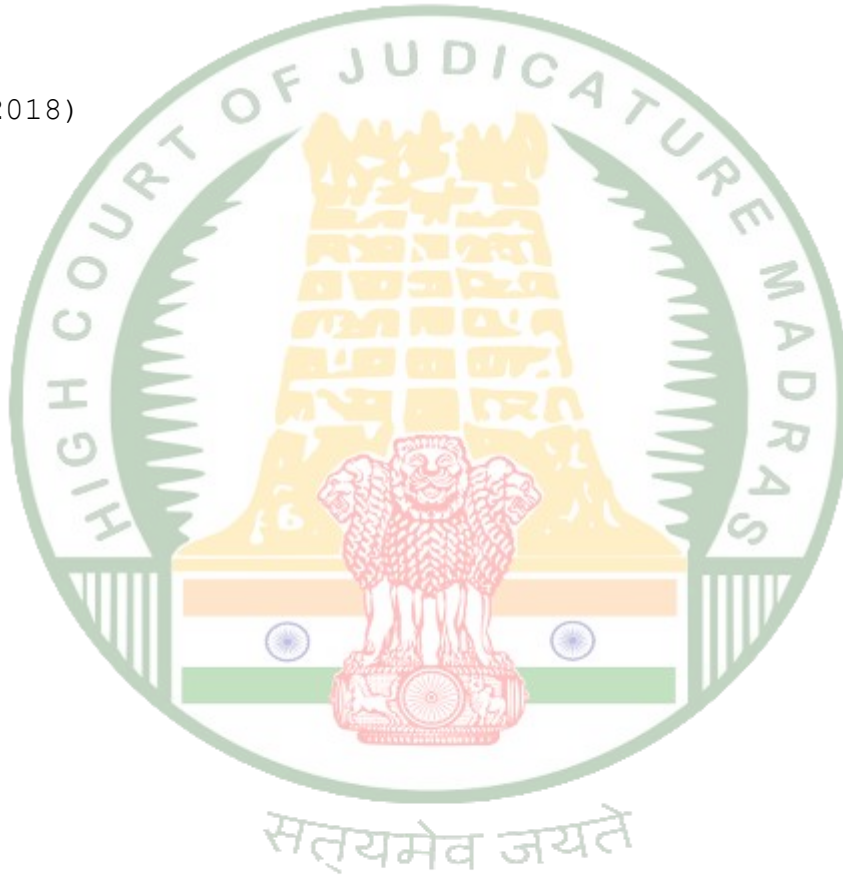
+1 CC to Govt. Pleader sr 75324, 74883.

+1 CC to Mr.S.Palanisamy, Advocate sr 75793.

+1 CC to Mr.V.Vijayakumar, Advocate sr 75725.

W.P.No.16518 of 2018

RK (CO)
SP (06/12/2018)



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