

**W.P.No.24987 of 2017****S.M.SUBRAMANIAM, J.****and****K.RAJASEKAR, J.**

This matter is listed under the caption “For Reporting Compliance”.

2. The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to demolish the illegal construction at the two parks, which are bounded by Plot Nos.14 and 15 and Plot Nos.25, 26 and 27, T.T.C Nagar, 6th Cross Street, Aathanoor Village, Madambakkam Post, Sriperumbudur Taluk, Kancheepuram District.

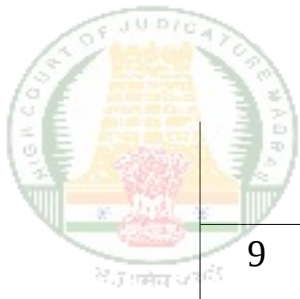
3. With reference to the allegations of encroachments in the approved layout formed by the 4th respondent / Co-operative Society, several complaints have been filed. Unauthorized constructions in public purpose areas, O.S.R lands and streets were identified by the competent authorities. Since, no action has been taken, the present Writ Petition came to be instituted.

4. The Tahsildar, Kundrathur filed a status report dated 14.03.2024. In view of the earlier directions issued by this Court, the subject lands were



measured and surveyed by the Taluk, Sub-Inspector of Survey along with the revenue officials and the details are extracted as under:-

Sl.No	Survey No.	Extent (Sq.mt)	Name of Pattadharar	Details as per layout sketch	Present Status of land @Boosthuthi
1	405/14	00745	1687 Commissioner, Kandrathur @Padappai	Park	Mosque
2	405/56	01390	1687 Commissioner, Kandrathur @Padappai	Park	Over Head Tank
3	406/12	00959	1687 Commissioner, Kandrathur @Padappai	Children Park	Church
4	406/77	01254	1687 Commissioner, Kandrathur @Padappai	Park	Ration Shop
5	407/12	00570	Street	Park	Vacant
6	407/13	0603	1687 Commissioner, Kandrathur @Padappai	Park	Vacant
7	407/41	01463	1687 Commissioner, Kandrathur @Padappai	Children Play Ground	Over Head Tank
8	408/11	00423	11 Public Place	Community	Park



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				Hall	
9	408/75	00815	189 T.A.S Velu	Community Hall	Over Head Tank
10	408/40	00392	Public Place	Shopping Complex	Vacant land and Panchayat Control Overhead Tank and Water Purified Plant
11	408/60	00396			
12	408/55	00477	1687 Commissioner, Kundrathur @Padappai	Park	Vacant
13	409/31	01138	1687 Commissioner, Kundrathur @Padappai	OHT	Vacant and OHT
14	410/2	03962	Public Place	Hospital	Temple (part)
15	411/37	03575	Public Place	Primary School	Vacant

5. Perusal of the survey details, as stated above would reveal that several violations are committed. Unauthorized buildings are constructed and the approved layout plan has not been maintained properly. It is not in dispute that public purpose areas are not gifted by the Co-operative Society. The Hon'ble Supreme Court of India in the case of *Association of Vasanth Apartments -vs-*



V.Gopinath reported in **AIR 2023 SC 1011** held that “in respect of approved layout plan, even in the absence of execution of Gift Deed in favour of the local body, the said public purpose areas are to be maintained for the purpose for which it was approved.” Therefore, not executing a Gift Deed cannot be an impediment to remove the unauthorized constructions in the public purpose areas.

6. The illegalities and irregularities, as identified by the competent authorities would reveal that the provisions of the Tamil Nadu Town and Country Planning Act, 1971 also have been violated. The approved layout plan is to be maintained scrupulously by protecting the public purpose area, O.S.R lands etc., for the benefit of the people, who all are residing in the layout area and nearby localities. Further, we have noted that the land allotted for shopping complex has been utilized for construction of overhead tank, water purifier plant and also ration shop has been constructed in park area. The overhead tank and water purifier plant are being maintained by the Panchayat. Therefore, we are not inclined to direct the authorities to remove the overhead water tank and water purifier plant, situated in S.Nos. 405/56, 407/41, 408/40, 408/60 and 409/31. As far as the ration shop in S.No.406/77 is concerned, the Commissioner, Kundrathur Panchayat and the competent authority is directed to identify any



suitable place in the nearby area and the same is to be shifted. Till such time, the ration shop may be allowed to continue in the same place. After shifting the ration shop, the said area is to be utilized as park. Except water tank and ration shop, as stated above, all the other unauthorized constructions and encroachments in the public purpose area are directed to be removed within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that no further time will be granted for removal the encroachments and the authorities are directed scrupulously follow the directions in the interest of public.

skr

(S.M.S.J.) (K.R.S.J.)
14.03.2024



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