



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No. 7724 of 2011 and
M.P(MD)No.1 of 2011

R.G.Moorthy

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Municipal Administration &
Water Supply, Fort St. George,
Chennai-600 009.
2. The Director,
Town and Country Planning,
Chennai.
3. The Commissioner,
Tuticorin Rural,
Panchayat Union,
Tuticorin.
4. The Additional Director,
Town and Country Planning Authority,
Tuticorin.

.. Respondents

(R - 4 impleaded vide order, dated
14.09.2014 in M.P(MD)No.1 of 2013)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents herein, their agents or servants from constructing a additional school building for Higher Secondary Students in Survey No.110/1 Open Space Park cum play ground situated in St.Mary's Colony Layout, Tuticorin Rural Panchayat Union, Tuticorin or for converting it for any other purpose.

For Petitioner

: Mr.M.S.Sureshkumar

For RR 1, 2 & 4

: Mr.C.M.Marichelliah Prabu,
Additional Government Pleader.

For R - 3

: Mr.S.Saji Bino

**ORDER**

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner came forward to file this Writ Petition aggrieved by the alleged united decision of the respondents to convert a park and children play ground of St.Mary's Colony as additional school building in Survey No.110/1 in St.Mary's colony lay out in Tuticorin, which has been reserved for public utility purpose ie., park/children play ground.

2.The Writ Petition was entertained on 13.07.2011 and 14.09.2015 and thereafter, it was listed on 17.01.2018 and on that day, this Court directed Mr.S.Shaji Bino, learned standing counsel appearing for the Tuticorin City Municipal Corporation, to find out and get instructions as to whether the said Panchayat Union merged with Tuticorin City Municipal Corporation or not and also as to the allegations levelled by the petitioner.

3.The learned standing counsel appearing for the Tuticorin City Municipal Corporation, on instructions given by Mr.A.Ramachandran, Assistant Commissioner of Tuticorin City Municipal Corporation, would submit that Tuticorin Rural Panchayat Union now merged with Tuticorin City Municipal Corporation and as on date, there is no proposal to put up additional building/superstructure in the said survey number.

4.The said instruction given by Mr.A.Ramachandran, Assistant Commissioner of Tuticorin City Municipal Corporation to the learned standing counsel for the Tuticorin City Municipal Corporation, is placed on record. In the light of the said development, nothing remains for further adjudication in this Writ Petition. Therefore, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

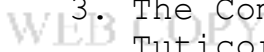
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of Municipal Administration &
Water Supply, Fort St. George,
Chennai-600 009.



4. The Additional Director,
Town and Country Planning Authority,
Tuticorin.

The Assistant Commissioner,
Tuticorin City Municipal Corporation,
Tuticorin.

PS/VSG
TE/KKR/SAR-4 : 15/02/2018 : 3P/8C

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