

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2019

Coram

The Honourable Mr. Justice M.DHANDAPANI

W.P.No.24918 of 2009

and

M.P.No.2 of 2009

P.T.C. Officers Colony Association
Reg.No.SL.No.527 of 2008
rep by its Secretary,
S. Balashanmugam
17, P.T.C. Officers Colony,
Maduravoyal
Chennai 600 095 Petitioner

vs.

1. State of Tamil Nadu
rep by Secretary to Government,
Municipal Administration and Water Supply Department,
Chennai.
2. Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Chennai - 600 008
3. The Chairman and Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
4. Superintending Engineer (Contracts and Monitoring),
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
5. The District Collector,
Thiruvallur, Thiruvallur District.
6. The Chairman,
Maduravoyal Municipality III Grade,
289, Poonamallee High Road,
Chennai - 600 095.

7. The Executive Officer,
Maduravoyal Municipality III Grade,
289, Poonamallee High Road,
Maduravoyal,
Chennai - 600 095.
8. The Special Officer,
Pallavan Transport Corporation
Cooperative Transport Corporation,
Cooperative House Construction Society Ltd,
MDS/HSG - 101
Pallavan House,
Anna Salai,
Chennai - 600 002

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in respect of the Tender Notice published in the website www.tenders.tn.gov.in in respect of Package 1 in CNT/SEW/NCB/JNNURM/072A/2009-2010 insofar as the petitioners' land is concerned on Pallavan Nagar and quash the same and forbear the respondents 3 to 7 from interfering with the peaceful possession of the petitioners vacant plot earmarked for park situated in S.No.50/1A 1st Main Road of PTC Officers Colony, (Adjacent to Kaduravoyal VAO Office), Maduravoyal, Chennai -95.

For Petitioner : Ms.Kala Ramesh

For R1, R.2 & R.5 : Ms.K. Bhuvaneshwari
AGP

For R.3 & R.4 : Mr.M. Jothikumar

For.R.6 & R.7 : Mr.Paramthaman
Standing Counsel

R8 : S.G.Sahadevan

ORDER

The petitioner filed the present writ petition, challenging the Tender Notice published in the website www.tenders.tn.gov.in in respect of Package 1 in CNT/SEW/NCB/JNNURM/072A/2009-2010 insofar as the petitioners' land is concerned on Pallavan Nagar and forbear the respondents 3 to 7 from interfering with the peaceful possession of the petitioners vacant plot earmarked for park situated in S.No.50/1A 1st Main Road of PTC Officers Colony, (Adjacent to

Maduravoyal VAO Office), Maduravoyal, Chennai -95.

2. The petitioner Association is a Registered Association under the Tamil Nadu Societies Registration Act, 1975 and it is a Welfare Association. The 8th respondent viz., Pallavan Transport Corporation Cooperative Housing Construction Society Ltd, originally purchased 3.32 acres of lands comprised in S.Nos .50,51,52 and 62/2 of Maduravoyal Village, Ambattur Taluk and prepared a lay out and after due approval from CMDA the plots were allotted to its members, who were all the employees of Pallavan Transport Corporation.

2. After obtaining the approval for the said layout of the entire land, the 8th respondent executed a gift deed dated 25.01.1985 registered as Document No.325 of 1985 in the Office of Sub Registrar, Virugabakkam and while establishing the colony, S.No.50/1A was earmarked for 'private park' for the members of the 8th respondent Society. The said portion consisted of a 'Well' supplying water to the plots of the layout. The 8th respondent Society is retaining the said land to utilise for the benefit of the members of the Society.

3. While so, the third respondent along with the respondents No.6 and 7 have made a proposal for setting up a sewerage pumping station in the above portion of the land earmarked as 'park' and the respondents have proceeded with the above proposal on the mistaken impression that the said portion of land has been gifted to them by the 8th respondent. The 8th respondent on coming to know about the proposal, submitted various representations dated 06.11.2008 and 03.01.2009 to the respondents No.3,5 to 7 pointing out that S.No. 50/1A belongs to 8th respondent and requested the respondents not to interfere with their possession of the land.

4. In spite of the representations, the 4th respondent issued a tender notice for the purpose of setting up a sewerage pumping station in the said land. Thereafter, the 8th respondent issued a legal notice dated 28.02.2009 to the respondents 3, 5 to 7.

5. The petitioner also submits that in the eastern portion of the said land, the 6th respondent has already erected a small structure, to be used by the Village Administrative Office and a compound wall without the permission of the 8th respondent, for which, the 8th respondent has sent representations seeking to remove the structure. However, no action has been taken by the respondents No.6 and 7.

6. While so, the 7th respondent has sent a letter dated 08.07.2009 in Na.Ka.264/2009/A3 to the 5th respondent stating

that an extent of 10 cents has been identified in S.No.219 in Palavan Nagar, which is a Government Poramboke land for putting up the sewerage pumping station and requested the 5th respondent to transfer the said land to the Municipality. However, the 8th respondent has stated that the site has been earmarked for sewerage pumping station for Maduravoyal.

7. It is well settled that in view of the decision reported in 2011 (1) CTC 257 (K. Rajamani vs Alamunagar Residents' Welfare Association) the area reserved for public purpose cannot be altered to be put to use for any other purpose.

8. However in a similar situation which arose for consideration on an earlier occasion, the Chennai Corporation attempted to convert the disputed land into " Low Cost Canteen" and challenging the same, the petitioner filed the writ petition in W.P.No.6009 of 2013. During the pendency of the Writ Petition, the Chennai Corporation filed an undertaking before this Court and based on the undertaking, they have stopped all the construction works.

9. Likewise, in the present case also, though Chennai Metropolitan Water Supply and Sewerage Board had taken a decision to construct Sewerage Pumping Station, in view of the interim injunction granted by this Court, construction of Sewerage Pumping Station is shifted to some other place.

10. Hence, nothing survives for adjudication in this Writ Petition. Therefore, the Writ Petition is closed. No costs. Consequentially, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Chennai.

WEB COPY

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Pallavan House,
Anna Salai, Chennai - 600 002

+1cc to Mr.K.Bhuvaneshwari, Advocate, S.R.No. 59066
+1cc to Mr.Kala Ramesh, Advocate, S.R.No. 58849
+1cc to Mr.R.Arunmozhi, Advocate, S.R.No. 58511
+1cc to the Government Pleader, S.R.No. 59180

W.P.No.24918 of 2009

JP(CO)
GN(26/08/2019)