

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 21502 of 2010

and

M.P.Nos. 1 of 2010 & 2 of 2011

Sterling Avenue and Ramamurthy Avenue
Residents Welfare Association
Rep. by its Secretary
No. 18, First Street,
Sterling Avenue
Sakthi Nagar, Porur
Chennai - 116.

..Petitioner

Vs.

1. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St.George
Chennai - 9.
2. The Chairperson
CMWSSB, No.1, Pumping Station Road,
Chennai - 5.
3. The Chairperson
Tamil Nadu Pollution Control Board,
Chennai - 32.
4. The District Collector
Thiruvallur District
5. The Member Secretary
Chennai Metropolitan Development Authority
Chennai - 8
6. The Director of Town Panchayats,
Kuralagam,
Chennai - 1.
7. The Executive Officer,
Porur Town Panchayat,
Porur.
8. K.Ayotheyan

9. The Corporation of Chennai,
Rep by its Commissioner,
Ribbon building,
Chennai - 600 003.

.. Respondents

(R8 & R9 -Impleaded as per orders dated 21.09.2011
and 22.04.2013 respectively in MP.No.1/11 and MP.No.1/13).

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ order or direction
in the nature of writ of Mandamus, forbearing the respondents
from in any manner interfering or converting the open space area
at S.No. 260/1-A1, Sterling avenue, Porur Village, Saidapet
Taluk for sewerage or any other use other than a park.

For Petitioner : M/s.Anbazhagan
For Respondents : Mr.V.Manoharan, for R1.
Mr.M.Jothi kumar
Senior Counsel for R3.
Mr.J.Ramesh, AGP, for R4.
Mr.G.Anantharangan, for R7.
(Chennai Corporation)
Mr.P.Tamilmani, for R5.

O R D E R

The prayer sought for in this Writ Petition is for issuance
of a Writ of Mandamus, forbearing the respondents from in any
manner interfering or converting the open space area at S.No.
260/1-A1, Sterling avenue, Porur Village, Saidapet Taluk for
sewerage or any other use other than a park.

2. Heard the learned counsel appearing on either side.

3. The learned Additional Government Pleader has brought to
the notice of this Court that the Sterling Avenue is an
unapproved layout, in which an extent of 19,600 Sq.ft (1821.56
Sq.m) allotted for park was handed over by Porur Residents
Association vide gift deed No.15016 Dated 06.07.1990 to
Erstwhile Porur Panchayat and the Executive Officer of erstwhile
Porur Panchayat had handed over a part of the above vacant land
to the Chennai Metropolitan Water Supply and Sewerage Board
(CMWSSB) vide letter C.No.678/2010, dated 16.09.2010 for the
purpose of constructing Sewerage pumping station. The learned
Additional Government Pleader further submitted that this Court
had passed an order of Status Quo in W.P.No.21502 of 2010 on
21.09.2010.

4. The learned Additional Government Pleader further
submitted that the Chennai Metropolitan Water Supply and

Sewerage Board (CMWSSB) has also been shifted to some other location and the project was also completed. It is also brought to the notice of this Court that the Greater Chennai Corporation has proposed to develop the vacant land measuring 1821.56 Sq.m. as a park. At present, the construction of compound wall is under progress to avoid unauthorised parking of vehicles and trespassers.

5. In view of the submissions made by the learned Additional Government Pleader, the prayer sought for by the petitioner's Association, is no longer in existence.

6. Accordingly, the writ petition is closed recording the submission made by the learned Additional Government Pleader. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St.George
Chennai - 9.
2. The Chairperson
CMWSSB, No.1, Pumping Station Road,
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3. The Chairperson
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6. The Director of Town Panchayats
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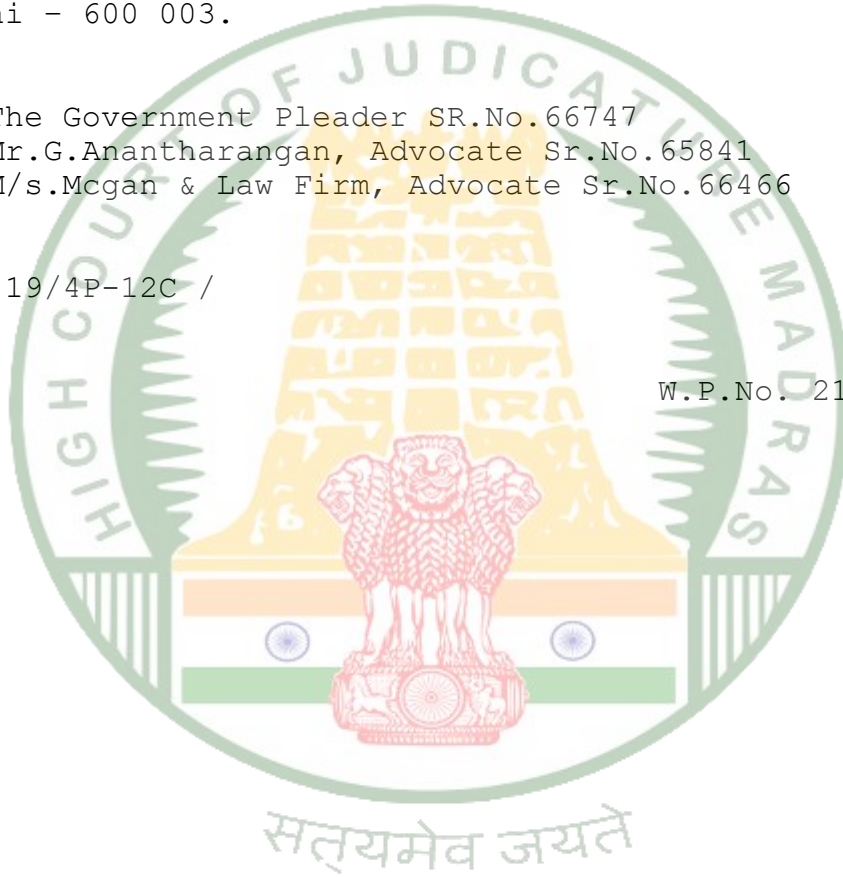
7. The Executive Officer
Porur Town Panchayat
Porur.

8. The corporation of Chennai,
Rep by its Commissioner,
Ribbon building,
Chennai - 600 003.

+1 cc to The Government Pleader SR.No.66747
+1 cc to Mr.G.Anantharangan, Advocate Sr.No.65841
+1 cc to M/s.Mcgan & Law Firm, Advocate Sr.No.66466

AKM/14.10.19/4P-12C /

W.P.No. 21502 of 2010



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