

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.27216/2019 & WMP.Nos.26618/2019

- 1.Nithya
- 2.Murugammal
- 3.R.Hariharan
- 4.Karthik.B
- 5.Karthik.V.V.
- 6.R.Nalini

... Petitioners

Versus

- 1.The State of Tamil Nadu rep.by its
Secretary, Municipal Administration
and Water Supply Department
Secretariat, Fort St George
Chennai 600 009.
- 2.The Greater Chennai Corporation
of Chennai, rep.by its Special Officer
and Commissioner, Ripon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai 600 003.
- 3.The Special Officer
Standing Committee and Council
Ripon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai 600 003.
- 4.The Superintending Engineer
Park and Playfield Department
Greater Chennai Corporation
Ripon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai 600 003.
- 5.The Zonal Officer
Zonal Office-11, 33, Arcot Road
Valasaravakkam, Chennai 600 087.

6.Smt.M.Mullaimalar
Contractor
NO.36, Arunachalam Road
Saligramam, Chennai-93.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to lay the skating rink court as per the SDAT norms as stipulated in Clause 3 of the Work Order dated 25.02.2019 and referred to in the letter dated 25.02.2019 written by the 4th respondent to the 5th respondent in respect of the skating rink court situated at Zone No.11, Division No.151, Located in TCG Park, Porur, before collecting fees for usage of the skating court as stated in clause 7 of the work order dated 25.02.2019 issued by the 2nd respondent.

For Petitioners : Mr.P.Thiagarajan

ORDER

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

- (1)The petitioners claim to be the public interest litigants and in the form of various representations, they expressed their grievance that the maintenance of Skating area/Skating Rink Court in DCG Park, Ward No.151, Zone-11, have been granted under the Revenue Sharing basis in favour of the 6th respondent and as per condition No.3, after the allotment order and within 90 days, the Skating Rink Court shall be elevated to SDAT standard and that there should be free usage without any charge or levy.
- (2)The learned counsel for the petitioner has also drawn the attention of this Court to the communication of the 4th respondent dated 25.02.2019 in A.Tu.Na.Ka.No.A3/1044-4/2018 addressed to the 5th respondent wherein conditions of allotment have been given and it is the specific case of the petitioners that condition No.3 with regard to maintenance of Skating Rink Court have been upgraded to SDAT standard. However, a perusal of the representations submitted in this regard would disclose that the general public of Ward No.151 did not express any grievance as to the violation of condition No.3 of the Work Order dated 25.02.2019 granted in favour of the 6th respondent.
- (3)At this juncture, the learned counsel for the petitioners would pray that the petitioners may be permitted to submit a fresh representation to the concerned official respondents for upgrading the Skating Rink Court as per the SDAT standard.

(4) This Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.

(5) Admittedly, in the representations submitted, the representees did not make any specific grievance as to the alleged non upgradation of Skating Rink Court to SDAT standard and as such, this Court is of the considered view that a writ of mandamus in the present form, is not maintainable. However, taking into consideration the plea made by the learned counsel for the petitioners, it is open to the petitioners to submit a representation in this regard if they are so advised and if it is open to them under law, to the concerned official respondents, who upon receipt of the same, shall accord priority and dispose of the said representation as expeditiously as possible and communicate the decision taken, to the petitioners.

(6) The writ petition stands dismissed at the admission stage itself, subject to the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

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

2. The Special Officer and Commissioner,
Greater Chennai Corporation
of Chennai, Ripon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai 600 003.

3. The Special Officer
Standing Committee and Council
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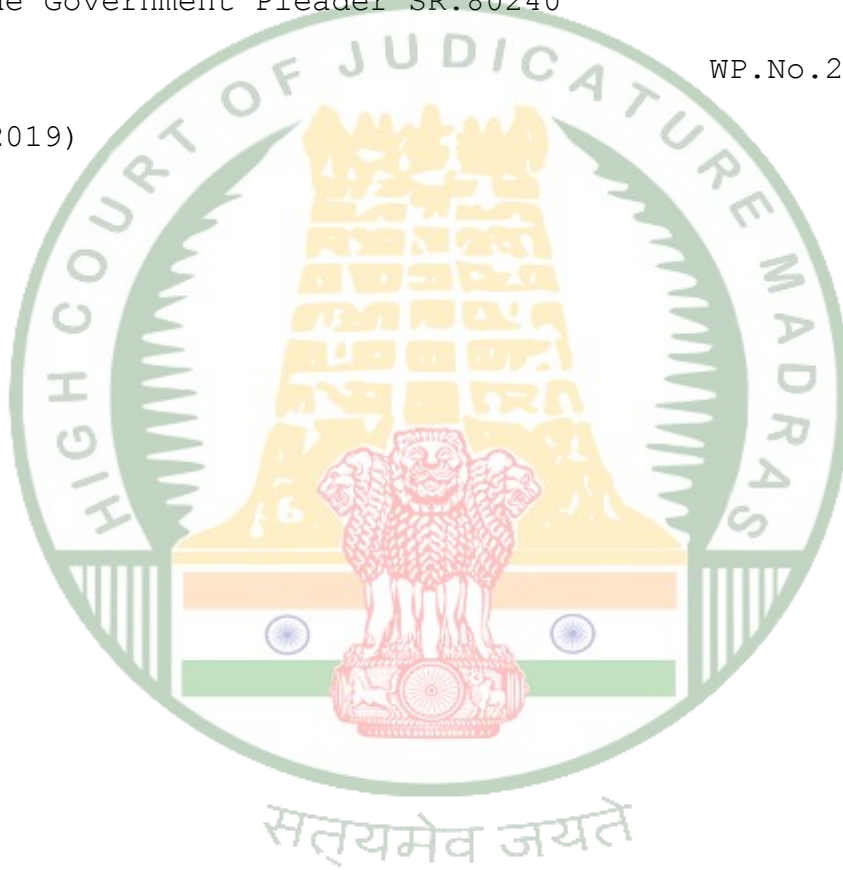
4.The Superintending Engineer
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No.1131, EVR Periyar Salai
Park Town, Chennai 600 003.

5.The Zonal Officer
Zonal Office-11, 33, Arcot Road
Valasaravakkam, Chennai 600 087.

+1cc to Mr.K.Soundararajan, Advocate SR.79964
+1cc to the Government Pleader SR.80240

WP.No.27216/2019

RSV(CO)
CB(29/11/2019)



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