



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P. (MD) No.11088 of 2011

and

M.P. (MD) No.1 of 2011

Chidambaram Nagar
Housing Welfare Association
rep.by its President
S.A.Siva Subramaniyan
No.525/B, Chidambaram Nagar
Mathur
Pudukkottai District

... Petitioner

-vs-

1.The Deputy Director
Tamil Nadu Town and Country Planning
430, Gandhi Street
Sivagangai-630 561

2.The President
Mathur Panchayat
Mathur
Pudukkottai District

3.The Official Liquidator
Southern Railway Employees
Rural Housing Co-operative Society
Mathur
Office at Kallukuzhi
Tiruchirappalli

4.Chitra Padmanabhan

5.V.Mariya Natchatiram

6.N.Suresh

7.K.Anuradha



8.K.S.Rengaswami

9.R.Logambal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to protect the vacant sites earmarked for public utility open areas as referred in the Revised Approved Layout plan L.P.H/D.T.P.No.28/69 in Survey No.10/5, 10/4B, 10/3, 10/4A, 10/5, 4/2 and D.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R1
Mr.R.Karthikeyan for R2
Mr.K.Mahendiran for R3
Ms.J.Maria Roseline for R4, R7 & R8
No appearance for R9

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This writ petition has been filed by an Association called Chidambaram Nagar Housing Welfare Association. The petitioner - Association seeks for a direction upon the respondents 1 to 3 to protect the vacant sites earmarked for public utility open areas as referred in the Revised Approved Layout Plan L.P.H/D.T.P.No.28/69 in Survey No.10/5, 10/4B, 10/3, 10/4A, 10/5, 4/2 and D.

2. The petitioner would state that the respondents 4 to 9 are all persons, who have been unauthorizedly occupying sites, which have been reserved for public utility open areas. Therefore, they prayed for action to be initiated by the promoter of the layout, namely, the third respondent, which Society has now become defunct and it is under the control of the official liquidator.

3. The respondents 4 to 8 are stated to be subsequent purchasers, who have purchased the plots / houses from the allottees of the third respondent / Co-operative Society. According to the respondents 4 to 8, the plots purchased by them are not reserved sites, but have been purchased after the revised approval of the layout was obtained in L.P.H/R.T.T.No.6/76.

4. One common feature between the petitioner and the respondents 4 to 8 is that the ninth respondent is an encroacher. It is not clear as to how they state that the ninth respondent is an encroacher. We are unable to ascertain the full fact, because the ninth respondent has not filed counter affidavit.



5. Considering the factual position that the layout plan has been revised in the year 1976 and the subsequent purchasers have entered into the scene, at this juncture, we cannot issue any direction to evict any person from the property.

6. The learned Special Government Pleader appearing for the first respondent would submit that the ninth respondent has filed a suit against the third respondent / Society and the same is pending.

7. Thus, considering the fact that the layout plan has been revised in the year 1976 and it is stated that the respondents 4 to 8 are purchasers of housesites in the revised layout, we dispose of this writ petition leaving it open to the Authorities to examine as to whether if any reserved site, such as, children's park, playground, road etc., is encroached, and if so, appropriate action be initiated in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

krk

To:

The Deputy Director,
Tamil Nadu Town and Country Planning,
430, Gandhi Street,
Sivagangai-630 561.

+1 CC to M/s.J.MARIA ROSELINE, Advocate (SR-91787[F] dated 14/10/2019)

+1 CC to M/s.GP (SR-91931[F] dated 15/10/2019)

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-91949[F] dated 15/10/2019)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-92258[F] dated 16/10/2019)

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JM/30.10.2019/3P/6C