



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.03.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.1064 of 2019

and

W.M.P (MD) .No.892 of 2019

A.M.S.Saravanan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Deputy Director,
Town Country Planning,
Anna Building, Thallakulam,
Madurai-625 002.
3. The Commissioner,
Aruppakottai Municipality,
Aruppakottai Town,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to forbear the third respondent from setting up MCC with capacity of 3TPD at Sappairamasamy Street in Ward No.31 in Aruppakottai Town, Virudhunagar District disposal of the above writ petition.

For Petitioner	: Mr.M.Thirunavukkarasu
For R1 & R2	: Mr.K.Mu.Muthu Additional Government Pleader
For R3	: Mr.Dilipkumar

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to stop the third respondent Municipality from setting up the Micro Composite Centre in a site that was earmarked for park purpose.



3. The learned counsel appearing for the petitioner submitted that when a site is earmarked for park purposes, it cannot be converted for any other purpose. He also pointed out that the Municipality does not become the owner of such sites earmarked for such public purpose.

4. The learned counsel appearing for the petitioner drew the attention of this Court to the decision of the Hon'ble Division Bench of the Andhra Pradesh High Court made in W.P.No.4598 of 2000 dated 21.06.2000. I am swayed by the aforesaid submission. But I am bound by the decision of the Hon'ble Division Bench that have held to the contrary.

5. The learned Standing Counsel appearing for the Municipality placed reliance on the decision reported in **(2019) 2 MLJ 114 (M.G.M.Nagar Nala Munnetra Sangam, Plot No.14, MGM Nagar, Rajaji Salai, Thiruvallur Vs. Commissioner, Municipal Authority, Rajaji Salai, Thiruvallur)**. Since it is a decision of very recent vintage, I do not think it is necessary to reproduce the relevant paragraphs verbatim.

6. Therefore, I have to dismiss the writ petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Deputy Director,
Town Country Planning,
Anna Building, Thallakulam,
Madurai-625 002.

+1 CC to M/s.M.THIRUNAVUKKARSU, Advocate (SR-51379[F] dated 04/03/2019)
+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-51485[F] dated 04/03/2019)
+1 CC to M/s.SPL GP (SR-51953[F] dated 06/03/2019)

RMK

TE/KM : 03/04/2019 : 2P/6C
<https://hcservices.ecourts.gov.in/hcservices/>

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