



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.35390 of 2019
and W.M.P.No.36220 of 2019

G.Arumugam

.. Petitioner

-vs-

1.The Commissioner of Land
Administration, Chepauk,
Chennai 600 005.

2.The District Collector,
Office of the District Collectorate,
Chengleput District, Chengleput.

3.The Block Development Officer,
Kattankulathur Panchayat Union
Office, Kattankulathur,
Chengleput District.

4.The Correspondent,
Vikas Mantra, Anjur Village,
Chengleput District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 2 and 3 not to form a road to help the 4th respondent school by wasting 4.51 acres of OSR land in Survey Nos.71, 73/1, 78/1, 78/2, 78/4, 81/3, 82/1, 82/2 and 83/2 in Anjur Village, Chengleput, which is meant only for public purpose.

For Petitioner

: Mr.J.Franklin

For Respondent

: Mr.V.Jayaprakash Narayanan
Govt. Pleader for RR 1 to 3



ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard learned counsel for the petitioner.

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2. The grievance, primarily in our opinion, in the petition appears to be what has been stated in paragraph 7 and 8 of the affidavit, which are extracted as hereinunder:

7. I state that in order to divert the people, the respondents 2 and 3 are going to build up a community hall around 2500 sq. ft. adjacent to the 4th respondent school for which the respondents 2 and 3 are going to form a road for an area of 80 feet width 750 meters by covering up an extent of 4.51 acres in OSR land. As a matter of fact, the respondents 2 and 3 are going to form a road only to help the 4th respondent school to have an access into the Mahindra World City and not to the community hall. If really, the community hall is needed, the respondents 2 and 3 would not waste the OSR land of an extent of 4.51 acres.

8. I further state that in this regard, it is pertinent to submit that the people who belong to Thenmel Pakkam, they are fighting for 30 feet road from Mahindra World City to Thenmel Pakkam, but, however, the respondents 2 and 3 provided only 12 feet road, that too, already there is a road. In spite of that, the respondents 1 and 2 have provided only 12 feet road, now in order to help the private persons, the respondents 2 and 3 are going to provide 80 feet width and 750 meters length road to the private person, viz., the 4th respondent."

3. Learned counsel for the petitioner has orally submitted that such an amount of OSR land should not be wasted for constructing a road, which is primarily for private purpose of facilitating the school and not for any public purpose.

3. We are unable to appreciate this argument inasmuch as if the road is being facilitated for a school and if also simultaneously helps in commuting to a community hall, the same cannot be said to be bereft of any public purpose. The Public Interest Litigation has been filed stating that the petitioner is an Assistant to a Deed Writer and runs some seasonal business. The contention also is that the land should be preserved for developing greenery and vegetation. We do not find any bonafides in the petitioner in moving this petition except with some motive to somehow or the other block the passage to the school and the community hall for some motive



which has not been disclosed. The very status of the petitioner raises a serious doubt about the bonafides of this Public Interest Litigation.

The Writ Petition is rejected. There shall be no order as to costs. Consequently, W.M.P.No.36220 of 2019 is also dismissed.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

sra

To

- 1.The Commissioner of Land
Administration, Chepauk,
Chennai 600 005.
- 2.The District Collector,
Office of the District Collectorate,
Chengleput District, Chengleput.
- 3.The Block Development Officer,
Kattankulathur Panchayat Union
Office, Kattankulathur,
Chengleput District.

+1cc to Government Pleader, SR.No.441.

W.P.No.35390 of 2019

PP(CO)
CSR:22.01.2020