



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.14035 of 2015

and

M.P. (MD) No.1 of 2015

R.Yesurajan

... Petitioner

Vs.

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.
- 2.The Commissioner of Police,
Commissioner Office Campus,
Tirunelveli City.
- 3.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli-5.

4.Stephen

... Respondents

(R4 impleaded vide order of this Court dated 05.12.2019 made in M.P. (MD)No.2 of 2015 in W.P. (MD)No.14035 of 2015)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to remove the illegal construction made by the second and third respondents in Survey No.1012, situated at Xavier Colony, Melappalayam, Tirunelveli city, allotted to the first respondent for public purpose vide L.P/R.T.K.No.68/87, approved by Tirunelveli Corporation, and consequently direct the first respondent to make use the land for public purpose and welfare activities and other amenities of the people residing in Melappalayam, Tirunelveli city.

For Petitioner : Mr.J.Jeyakumaran

For R1 : Mr.Aayiram K.Selvakumar



For R2 & R3

: Mr.A.Thiyagarajan,
Government Advocate.

For R4

: Mr.T.A.Ebenezer

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ORDER

This Writ Petition has been filed to direct the first respondent to remove the illegal construction made by the second and third respondents in Survey No.1012, situated at Xavier Colony, Melappalayam, Tirunelveli city, allotted to the first respondent for public purpose as approved by the Tirunelveli Corporation.

2.The petitioner purchased land to an extent of 5.94 cents at Xavier Colony and the same was registered at the Sub-Registrar in Document No.359 of 2009, on 21.01.2009. It is stated that he constructed a house in the plot purchased by him. It is the case of the petitioner that the first respondent reserved certain land and planned to construct a public park in the northern side of the petitioner's land and the same was approved by the corporation, even in the year 1987. It is stated that as per the layout approved by the corporation, the land was allotted for a public park and public purpose. It is the case of the petitioner that without getting proper permission from the corporation, the second and third respondents have constructed a new police station in the land, which was earlier allotted for public park and public purpose.

3.Stating that the request of the petitioner to stop the construction activities has not been considered by the respondents, the petitioner has come by way of present writ petition for stopping the construction work and to remove the building which was put up by the second and third respondents.

4.The petitioner has not produced the approved layout plan to show how the property has been reserved for park and public purpose.

5.The learned counsel appearing for the corporation has no objection for the second and third respondents to put up the construction as to use the same as Police station. Even according to the petitioner, the land belongs to the first respondent corporation.

6.No doubt it is true that the area reserved for a common purpose is an approved layout will be kept for such purpose for the benefit of plot owners. The petitioner himself admitted that the property was reserved for public park and public purpose. Construction of Police station is a public purpose. It will certainly serve the interest of plot owners. The petitioner has not given any details about the layout and actual enjoyment on ground. No other person who purchased a plot in the layout has expressed any



grievance. Hence, this Court find no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.
- 2.The Commissioner of Police,
Commissioner Office Campus,
Tirunelveli City.
- 3.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli-5.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-1417[F] dated 10/01/2020)

+1 CC to M/s.SPL.GP (SR-1613[F] dated 13/01/2020)

W.P. (MD) No.14035 of 2015
10.01.2020

KK/SAR/06.02.2020/3P-6C/