



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.29853 of 2019

M.Shivakumar

... petitioner

Vs

1 The Director
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010

2 The Executive Engineer
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010

3 The Assistant Engineer
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010

4 G.Sankar

... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the Puducherry Adi Dravidar Development Corporation (PADCO) Puducherry 1st respondent herein from constructing a community hall in the land in Kathasthar No. 216 in Periapet Thirubuvanai Puducherry and consequently direct the Puducherry Adi Dravidar Development Corporation (PADCO) Puducherry 1st respondent herein to maintain the play ground in the above said land for the benefit of the Youth in Periapet, Thirubuvanai, Puducherry.

For Petitioner :Mr.N.R.R.Arun Natarajan

For Respondents :Mrs.N.Mala,
Government Pleader (Puducherry)
for respondents 1 to 3



ORDER

(made by the Hon'ble Chief Justice)

The petitioner makes it out that the petitioner is a public spirited citizen with the interest of children and young adults in his heart. The petitioner has instituted this public interest litigation for the ostensible purpose of preserving what the petitioner describes as a playground that has been traditionally used by children and young adults in the locality to play there.

2. The Union Territory of Puducherry is represented. Documents have been filed along with photographs of what the property looked like and how construction work has progressed substantially at the site. According to the official respondents, there was a smaller community centre and the property was recorded as community centre and a park. The photographs relied upon by the official respondents reveal that there was a dilapidated building and the general area was rundown and used as a dumping ground for waste and rubbish.

3. According to the official respondents, following an appeal from the local residents, work has been taken up for building a modern community centre and substantial money has been expended and partial construction has been completed. Further photographs have been relied upon to indicate how the building was demolished and how construction work has been undertaken at the site. The official respondents also claim that since the property is contiguous to the petitioner's, or, at any rate, close-by, the petitioner would use the patch of green as a grazing ground for the petitioner's cattle and it is submitted on behalf of the official respondents that the initial photographs even indicate the petitioner's cattle grazing on the ground.

4. For a start, the petition does not appear to be in public interest. The petitioner's motive may be to stop the construction and allow the land nearby the petitioner's residence, which the petitioner had free use of, to be preserved in its original state.

5. However, since the construction appears to have progressed substantially, as would be evident from some of the photographs relied upon by the official respondents, no order is made on the petition except to request the official respondents to ensure that some amount of open and green area is left preserved so that the building being constructed does not cover the entirety of the land. However, the open space may be used as car parking space or open ground for use in connection with the community centre.



WEB COPY

6. W.P.No.29853 of 2019 is disposed of without any order as to costs. W.M.P.No.29759 of 2019 is also closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tar

To:

- 1 The Director
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010
- 2 The Executive Engineer
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010
- 3 The Assistant Engineer
Puducherry Adi Dravidar Development
Corporation (PADCO)
No.10 III Cross Pon Nagar
Reddiyarpalayam Puducherry 605 010

+1 CC to M/s.C.Uma, Advocate, Sr No.29853

+1 CC to Government Pleader for Puducherry Sr No.22286

W.P.No.29853 of 2019

PL(CO)
RG.20.04.2021