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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.16589 of 2021

and W.M.P.Nos.17573 and 17576 of 2021

A.Moorthy

...

Petitioner

-vs-

- 1 The Government of Tamil Nadu
Rep.by the Secretary, Municipal
Administration and Water Supply Department,
Fort St George, Chennai- 600 009.
- 2 The Commissioner of Municipal
Administration, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai- 600028.
- 3 The District Collector
Collectorate, Thiruvallur District,
Thiruvallur- 602 001.
- 4 The Tahsildar
Thiruvallur Taluk
Thiruvallur- 602 001.
- 5 The Commissioner
Thiruvallur Municipality
Thiruvallur- 602 001.
- 6 The Sub - Registrar
184/2G State Highway 50 Pungathur SP Nagar
Thiruvallur- 602 001
Thiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2, 3 and 5 herein to protect the Public park in Swathi Nagar, Rajajipuram, Thiruvallur, Thiruvallur District comprised in S.Nos. 664 and 692 /1 (Periyakuppam Village) measuring 17,368 Sq.Ft. from encroachers and land grabbers by



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putting up fence around the said park and maintain the same by allocating necessary funds employing required staffs.

For Petitioner	:	Mr.P.Mani
For Respondents	:	Mr.P.Muthukumar Counsel for State for RR 1, 2 to 4 and 6
	:	Mr.P.Srinivas for R-5

ORDER

(Made by the Hon'ble Chief Justice)

The grievance of the petitioner is that some miscreants are attempting to encroach upon a public park in Swathi Nagar, Rajajipuram, Tiruvallur in land bearing Survey Nos.664 and 692/1 at Periyakuppam Village.

2. Mr.P.Muthukumar, learned counsel, takes notice on behalf of the respondent Nos.1 to 4 and 6. Mr.P.Srinivas, learned counsel, takes notice on behalf of the fifth respondent Commissioner of the Tiruvallur Municipality.

3. Since the Municipality is the owner of the park, it is the Commissioner of the Municipality who should look into the petitioner's representation.

4. Accordingly, the petitioner is permitted to make a fresh, detailed representation to the fifth respondent within two weeks from date, whereupon the fifth respondent will conduct an inquiry upon giving notice to the petitioner and all others who may be affected by his ultimate order. The Commissioner will take such remedial action as may be necessary in accordance with law if he finds any encroachment and deal with the encroachers accordingly. The Commissioner should dispose of the representation by a reasoned order within six weeks of the receipt thereof. Copies of the order should be forwarded to both the petitioner herein and others affected thereby.

W.P.No.16589 of 2021 is disposed of without going into the merits of the petitioner's grievance. There will be no order as to costs. Consequently, W.M.P.Nos.17573 and 17576 of 2021 are closed.

Sd/-
Assistant Registrar(CO)
dt 13/08/2021

//True Copy//

Sub Assistant Registrar

sra



To.

- 1 The Secretary to Government of Tamil Nadu
Municipal Administration and Water
Supply Department,
Fort St George, Chennai- 600 009.
- 2 The Commissioner of Municipal
Administration, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai- 600028.
- 3 The District Collector
Collectorate, Thiruvallur District,
Thiruvallur- 602 001.
- 4 The Tahsildar
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- 5 The Commissioner
Thiruvallur Municipality
Thiruvallur- 602 001.
- 6 The Sub - Registrar
184/2G State Highway 50 Pungathur SP Nagar
Thiruvallur- 602 001
Thiruvallur District.

Copy to

- 1 Mr.A.Moorthy S/o, M.Arumugam,
(rep the Residents of Swathi Nagar,
Rajajipuram, Thiruvallur)
No.9, Vivekanandar Street,
Rajajipuram, Thiruvallur-602 001.
- 2 The RHS Residents Welfare Association,
(Reg.No.92/2015), 43/258c,
Vivekanandhar Street, Rajajipuram-2.

+1cc to the Government Pleader, S.R.No.39482

W.P.No.16589 of 2021

GPL (CO)
HS (13/08/2021)