



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
AND
The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.7090 of 2021

K.Senthil Kumar

...Petitioner

Vs.

1. The District Collector,
Ramanthapuram,
Ramanathapuram District.

2. The Special Tahsildhar,
Adi Dravidar Welfare Department,
Taluk Office, Ramanathapuram.

3. The Commissioner/Block Development Officer,
Mandapam Panchayat Union,
Uchipuli,
Ramanthapuram District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus to direct the respondent to ensure that the park and Children's Playground situates at Kaalangerai Village, Bharathi Nagar, Pattinamkathan in Ramanathapuram District is not encroached for further unauthorized constructions in the guise of construction for public purpose by considering the representation of the petitioner dated 22.02.2021.

For Petitioner : Mr.D.Sasikumar

For Respondents : Mr.R.Baskaran
Standing Counsel for Govt.
For R1 to R3.

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner, by way of this Writ Petition, prays for a direction upon the respondents not to put up any further construction in a place, which is earmarked as children playground in the approved lay out.



2. The petitioner admits that there is already a transformer erected by the Tamil Nadu Electricity Board and an overhead water tank erected by the Tamil Nadu Water Drainage Board and a construction put up by the Government for Women Self Help Group.

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3. According to the petitioner, all these constructions have taken place in more than 3 cents of land, out of the total extent of 25 cents earmarked as playground in the approved layout. The petitioner's only request is that no further construction put up in the playground.

4. We are of the view that the relief sought for is very reasonable and if at all, if there is any requirement for construction of public buildings or buildings for the interest of the local population, the authorities can choose some other site, preferably, a Government property and ensure that the playground, especially, the children playground is not encroached upon. In fact, the petitioner would state that one of the physically challenged person by name Ms.M.Sarmila trained in the said playground and has secured a gold medal in the recent State Level Paralympic competition.

5. Thus, we are of the view that the respondents should not put up any further construction in the land in question. Accordingly, this writ petition is allowed and there will be a direction to the respondents restraining them, from putting up any further constructions in the playground. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

kmm/tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Order made in
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KM(07.07.2021) 3P 4C