



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7770 of 2021

and

W.M.P.[MD]No.5917 & 5918 of 2021

J.Rajendran

... Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Tuticorin.

2.The Commissioner,
Corporation Office,
Tuticorin.

3.The District Registrar,
District Registrar's Office,
Bolpettai,
Tuticorin.

4.The Thasildar,
Office of the Tahsildar, Tuticorin.

5.The Sub Registrar,
Melur Office of the Sub Registrar,
Bolpettai, Tuticorin.

6.Ponragu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 1 to 5 from anyway permitting the 6th respondent from alienating, encumbering and change the physical features of the Park as per the layout No.1006/92 in Survey No.361/2B1 admeasuring 1 acre and 70.85 cents at Meelavittan village in Tuticorin Corporation and consequently directing the respondents 1 to 5 to make the necessary entries in the Revenue Records as Park as per layout No.1006/92 in Survey No.361/2B1 admeasuring 1 acre and 70.85 cents at Meelavittan village.



For Petitioner : Mr.C.Jeganathan
For Respondents 1 & 4 : Mr.K.P.Krishnadass
Special Government Pleader
For Respondent No.2 : Mr.S.Saji Bino
For Respondents 3 & 5 : Mr.K.Sathiya Singh
Additional Government Pleader
For Respondent No.6 : Mr.Prabhu Rajadurai

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O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.C.Jeganathan, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents 1 and 4, Mr.S.Saji Bino, learned Counsel appearing for the second respondent, Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 3 and 5 and Mr.Prabhu Rajadurai, learned Counsel appearing for the sixth respondent.

3.By this writ petition styled as a Public Interest Litigation, the petitioner seeks for a direction to forbear the respondents 1 to 5 from anyway permitting the 6th respondent from alienating, encumbering and changing the physical features of the Park as per the layout No.1006/92 in Survey No.361/2B1 admeasuring 1 acre and 70.85 cents at Meelavittan village in Tuticorin Corporation and consequently to direct the respondents 1 to 5 to make the necessary entries in the Revenue Records as Park as per layout No.1006/92 in Survey No.361/2B1 admeasuring 1 acre and 70.85 cents at Meelavittan village.

4.The admitted fact is that the land in question has been earmarked as a park meant for the public purpose as per the approved layout. The allegation is that a settlement deed is executed in favour of one Shanthi, who in turn has executed the same in favour of the sixth respondent, in respect of the very same property and attempts are made by the sixth respondent to enter into the property.

5.Learned Counsel for the sixth respondent submitted that the property purchased by the sixth respondent is not a park site and the learned Counsel would also agree that the settled position of law is that a site reserved for public purpose and earmarked as such in an approved layout cannot be utilised for any other purpose or dealt with for private purpose.

6.Mr.Saji Bino, learned Counsel for the respondent Corporation

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submitted that the Corporation has already installed a post indicating that the land is a reserved site as a park and none should enter upon the same.

7.The problem appears to have occurred because in the revenue records, the Thasildar has not entered the said land as a park. It is not known as to why the Tahsildar has not taken any action in this regard though, the layout was approved as early as in the year 1992.

8.In the light of the above, we direct the respondents 1 and 2 to ensure that the land earmarked as a park is preserved as such and no person including the sixth respondent shall interfere in the said land and the Tahsildar shall make entries in the revenue records as per the approved layout.

9.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

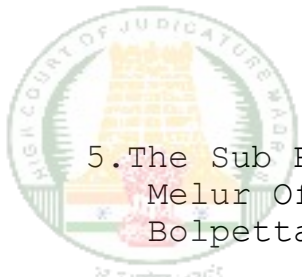
Sub Assistant Registrar(CS)

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.

TO

- 1.The District Collector,
Office of the Collector,
Tuticorin.
- 2.The Commissioner,
Corporation Office,
Tuticorin.
- 3.The District Registrar,
District Registrar's Office,
Bolpettai,
Tuticorin.
- 4.The Thasildar,
Office of the Tahsildar, Tuticorin.

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5.The Sub Registrar,
Melur Office of the Sub Registrar,
Bolpettai, Tuticorin.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-17057[F] dated
22/04/2021)

+1 CC to M/s.SPL GP (SR-17128[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17392[F] dated 23/04/2021)

ORDER MADE IN
W.P. [MD]No.7770 of 2021
DATED
21.04.2021

AS (10.06.2021) 3P 9C