



WEB COPY

W.P.(MD)No.16133 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16133 of 2014  
and M.P.(MD) No.1 of 2014  
(Through Video Conferencing)

Vinoth @ Vinuvarthanan

... Petitioner

Vs.

1.The District Collector  
Madurai District,  
Madurai.

2.The Commissioner,  
Madurai Corporation,  
Madurai 20

3.The Deputy Registrar (Housing Board)  
Madurai Corporation  
Madurai.

... Respondents

**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbearing the 2<sup>nd</sup> respondent from altering the purpose of the earmarked portion of the layout number 154 of 81, 835 of 87 and extent of 20495 sq. ft. comprised jointly in the survey No.47/5 of ward no.3, Anaiyur Village, Madurai north taluk comprised in the patta No.526 and extent of 2 acre 67 cents situated in survey No.47/11 of ward No.3, Anaiyur Village, Madurai North Taluk comprised in the patta No.109 by making any construction activities.

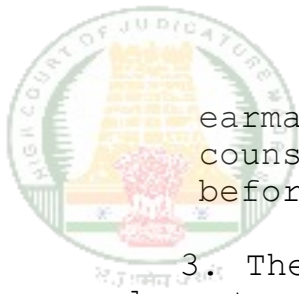
For Petitioner :Mr.K.K.Ramakrishnan  
For Respondents :Mr.S.Shanmugavel for R1 & R3  
Government Advocate (Civil)  
Mr.R.Murali for R2  
Standing counsel

#### ORDER

This writ petition was filed for the issue of a writ of mandamus forbearing the second respondent from altering the nature of the subject property, which was earmarked as a playground while granting the layout approval.

2.When the matter came up for hearing on 27.04.2021, it was brought to the notice of this Court that no further construction was made by the respondents in the place

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



earmarked as a playground. This Court directed the standing counsel for the 2<sup>nd</sup> respondent to take instructions and report before this Court.

3. The second respondent has filed a counter affidavit and the relevant portion in the counter affidavit is extracted hereunder:

"2. I respectfully submit that, the present writ petition is filed for the relief of Mandamus forbearing the Corporation not to alter the purpose of the common area for an extent of 20495 sq. ft. in survey no.47/5, Ward No.3, Anaiyur, Madurai. Admittedly, the above property is earmarked for children play ground for Pasupathi Nagar, as per the layout approval granted by the authorities. It is submitted that the Corporation now constructed a community hall for an extent of 12 meter x 5.5 meter. The community hall is constructed for the welfare of public. The total extent of the children of the children playground is 50 meter x 40 meter. Out of the large extent, only a small portion was utilized by the Corporation for construction of community hall. It is submitted that as on today the construction of community hall is over and further the corporation decided not to alter these usage of the place earmarked for children play area in future. The community hall is constructed with welfare object for the benefit of public. There are no merits in the claim of the writ petitioner."

4. It is clear from the above that a community hall has already been constructed and the Corporation has already taken a decision not to alter the place earmarked as play area or put up any construction therein. This undertaking given by the second respondent Corporation is recorded and this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /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.



- 1.The District Collector  
Madurai District, Madurai.
- 2.The Commissioner,  
Madurai Corporation,  
Madurai 20
- 3.The Deputy Registrar (Housing Board)  
Madurai Corporation  
Madurai.

+1 CC to M/s.R.MURALI, Advocate ( SR-19636[F] dated 18/06/2021 )

+1 CC to M/s.SPL GP ( SR-19659[F] dated 18/06/2021 )

**W.P. (MD) No.16133 of 2014**  
**17.06.2021**

GS (24.06.2021) 3P 6C