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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24221 of 2012

And

M.P.No.1 of 2012

K.Valarmathi

... Petitioner

Vs.

1.District Collector,
Salem District,
Salem - 1.

2.Commissioner of Police,
Salem.

3.Commissioner,
Salem Corporation,
Salem.

4.Deputy Director of Town and Country Planning,
Salem Division,
Subramaniya Nagar,
Salem - 5.

5.M.Sugavanam

6.D.Krishnan

7.Member Secretary, Local Planning Authority,
Salem, 5/601 B, Balaji Nagar,
Subramanya Nagar-I Gate,
Suramangalam, Salem-636 005.

(R7 impleaded vide order dated 16/03/2020
made in WMP.6995/2020 in WP.24221/2012)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4, to maintain the common areas in the approved layout No.84/88 in Alagapuram Pudur Village, Salem Taluk and Salem District enabling the petitioner and other plot owners to effectively use the same.



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For Petitioner : Mr.S.Vadivel Murugan

For Respondents : Mr.G.Nanmaran for R1, R2, R4
Special Government Pleader
Ms.K.Bhuvaneswari for R3
M/s.M.Devaraj for R5 and R6

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 4, to maintain the common areas in the approved layout No.84/88 in Alagapuram Pudur Village, Salem Taluk and Salem District enabling the petitioner and other plot owners to effectively use the same.

2.The case of the petitioner is that the petitioner is the owner of Plot No.18 in the approved layout No.84 of 1988, approved by the fourth respondent in Alagapuram Pudur, Salem and purchased the same from the fifth respondent. There were common areas in the said layout and the fifth respondent sold the children play area earmarked as place for public purpose for playing of children to the sixth respondent. Hence, the petitioner made representation to the respondents 1 to 4 to take appropriate action and to maintain places for public purposes in layout No.84 of 1988 and since there was no response, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that for the very same relief, one L.Rajaram representing Alagapuram Pudur Pothumakkal Nala Sangam filed O.S.No.1168 of 2010 on the file of the learned I Additional District Munsif, Salem, for declaration and the said suit was decreed on 23.09.2016, as against which, the sixth respondent preferred appeal in A.S.No.33 of 2017 on the file of the learned Principal Subordinate Judge, Salem and the same is pending, however, the official respondents have not implemented the said decree.

4.The learned counsel appearing for the petitioner further submitted that this Court may issue direction to the official respondents to consider the petitioner's representation dated 03.07.2012 and to pass appropriate orders, within a reasonable time frame.



5. Petitioner claim that the petitioner is the owner of Plot No.18 in the approved layout No.84 of 1988, approved by the fourth respondent in Alagapuram Pudur, Salem and purchased the same from the fifth respondent. There were common areas in the said layout and the fifth respondent sold the children play area earmarked as place for public purpose for playing of children to the sixth respondent.

6. In view of the above and considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents 1 and 3 to consider the petitioner's representation dated 03.07.2012, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Salem District,
Salem - 1.

2. The Commissioner of Police,
Salem.

3. The Commissioner,
Salem Corporation,
Salem.

4. The Deputy Director of Town and Country Planning,
Salem Division,
Subramaniya Nagar,
Salem - 5.



5.Member Secretary, Local Planning Authority, Salem
5/601-B, Balaji Nagar, Subramanya Nagar-I Gate,
Suramangalam, Salem-636 005.

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+1cc to Mr.S.Vadivel Murugan, Advocate SR.No.12563
+1cc to the Government Pleader, SR.No.12755

W.P.No.24221 of 2012

PM(CO)
CB(28/03/2022)