



WEB COPY



W.P.No.18652 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.18652 of 2022
and
W.M.P.Nos.17988 and 17989 of 2022

1.V.Vaithiyanathan

2.Sasi Kanth

3.A.Arivazhagan

4.Parimalam

5.M.Bhuvana

.. Petitioners

Vs.

1.The Executive Engineer & Administrative Officer
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, TNHB Complex,
Anna Nagar 2nd Avenue,
Chennai – 600040.

2.District Registrar of Societies,
South Chennai, Saidapet, Chennai-15.

3.The Commissioner
Tambaram Municipal Corporation
Tambaram Chennai – 600 045.



W.P.No.18652 of 2022

4.The Revenue Divisional Officer,
Tambaram, Chennai – 600045.

5.The Executive Officer,
Thiruneermalai Panchayat,
Chennai – 600132.

6.The District Collector,
Chengalpet District.

7.The Commissioner of Police,
Tambaram.

8.TNHB Colony Welfare Association
Rep by its The President,
Tambaram Sanatorium
Chennai – 600045.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents 1, 3, 5, 6 to stop and demolish the illegal constructions by the 8th Respondent TNHB Colony Welfare Association in a Land used for common purpose by the resident in OSR under Survey No.220/2A.

For Petitioners : Mr.N.Pandiarajan

For R2, R4, R6
and R7 : Ms.R.L.Karthika
Government Advocate

For R8 : Mr.L.Chandrakumar

For R3 and R5 : No Appearance



W.P.No.18652 of 2022

ORDER

WEB COPY

(Order of the Court was delivered by V.M.VELUMANI, J.)

The present writ petition is filed for a direction to the respondents 1, 3, 5 and 6 to stop and demolish the illegal constructions by the 8th respondent/TNHB Colony Welfare Association in a land used for common purpose by the resident in OSR under Survey No.220/2A.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 2, 4, 6 and 7 as well as learned counsel appearing for the 8th respondent and perused the entire materials on record.

3. The petitioners are residents of Tamil Nadu Housing Board Colony. The 1st petitioner served as Executive Committee Member, Vice President and Assistant Secretary of the 8th respondent/TNHB Colony Welfare Association. According to the petitioners, OSR land in S.No.220/2A situated in the colony is meant for park and children play area. The 8th respondent/association has illegally constructed an office building in the said plot encroaching the children play area. The 1st



W.P.No.18652 of 2022

petitioner has given complaint dated 20.04.2022 to the 1st respondent.

The 1st respondent did not stop the illegal construction being put up by the 8th respondent/association. In such circumstances, the petitioner has come out with the present writ petition for the relief sought for above.

4. From the materials on record, it is seen that the 1st respondent/Executive Engineer in his reply dated 13.05.2022 to the complaint given by the 1st petitioner, informed the petitioners that the said plot was not earmarked as park or children play area and not handed over to the Panchayat. The 1st respondent has also stated that the said plot was handed over to the 8th respondent/association for the welfare of the residents and the 8th respondent is maintaining the said property. In view of such information of the 1st respondent dated 13.05.2022, it is clear that the contention of the learned counsel appearing for the petitioners that the 8th respondent encroached the children play area and OSR land is not correct. The 8th respondent is putting up construction in the land allotted for the welfare of the residents. Therefore, the petitioners are not entitled for the relief sought for in the writ petition.



W.P.No.18652 of 2022

5. For the above reasons, the Writ Petition is dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

(V.M.V., J) (R.H., J)
21.12.2022

Index : Yes / No
Internet : Yes / No
dm
To

- 1.The Executive Engineer & Administrative Officer
K.K.Nagar Division,
Tamil Nadu Housing Board,
C-48, TNHB Complex,
Anna Nagar 2nd Avenue,
Chennai – 600040.
- 2.District Registrar of Societies,
South Chennai, Saidapet, Chennai-15.
- 3.The Commissioner
Tambaram Municipal Corporation
Tambaram Chennai – 600 045.
- 4.The Revenue Divisional Officer,
Tambaram, Chennai – 600045.
- 5.The Executive Officer,
Thiruneermalai Panchayat,
Chennai – 600132.
- 6.The District Collector,
Chengalpet District.
- 7.The Commissioner of Police,
Tambaram.



WEB COPY



W.P.No.18652 of 2022

V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

W.P.No.18652 of 2022

21.12.2022