



W.P.No.6401 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.6401 of 2014

&

M.P.No.1 of 2014

Sreshta Riverside Owners Association
Rep. by its Secretary Raja
Door No.138/2 Wook Creek Road
Nandambakkam
Chennai-600 089

...Petitioner

Vs.

1. The Secretary to the Government Of Tamilnadu
Department Of Municipal Administration & Water Supply
Fort St. George Chennai-600 009.
- 2 The Special Commissioner
Town & Country Planning Department No.807
Anna Saalai Chennai-2.
- 3 The Commissioner
Corporation Of Chennai Chennai-3.



W.P.No.6401 of 2014

4 The Managing Director
CMDA, No.1 Gandhi Irwin Saalai Egmore
Chennai-600 008.

5 The Executive Officer
Nandambakkam Town Panchayat Nandambakkam
Chennai-89.

6 The Managing Director
CMWSSB Dr.subbarayan Nagar Main Road
Subbarayan Nagar
Kodambakkam Chennai-24

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Prohibition

a) prohibiting the respondents 1 to 6 from changing modifying or
altering the nature and use of the land earmarked as Park and

b) consequentially directing the respondents 1 to 6 to demolish the
constructions whatsoever made on the land earmarked as park and restore
it to its original nature of a park and use as a park.

For Petitioner : Mr.T.Madhusudhan Reddy

For Respondents : Mr.K.M.D.Muhilan, AGP for R1 and 2

Mrs.Ashwini Devi for R3

Mr.N.P.Kumar for R4 and 5



ORDER

WEB COPY

Writ Petition is filed seeking to prohibit the respondents 1 to 6 from changing modifying or altering the nature and use of the land earmarked as Park and consequentially directing the respondents 1 to 6 to demolish the constructions whatsoever made on the land earmarked as park and restore it to its original nature of a park and use as a park.

2. It is the contention of the petitioner that the subject land in question is left for OSR and park has been developed. Originally the land has been gifted to Nandambakkam Town Panchyat/5th respondent. All of a sudden 6th respondent trying to put up a construction in the park areas.

3. Learned counsel for the 6th respondent would submit that there is no proposal to utilize the OSR land for any other purpose. The only grievance is that the public also should be allowed to use the park.

4. In such view of the matter, as the 6th respondent has no plan to utilize the building for any other purpose other than the park, the question of passing an order restraining them does not arise at all.



W.P.No.6401 of 2014

5. Accordingly, the Writ Petition is closed with the observation that

the area ear marked as OSR all the people including the public have a right to use the park. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

kpr

Internet: Yes

Speaking/non-speaking order

To

1. The Secretary to the Government Of Tamilnadu
Department Of Municipal Administration & Water Supply
Fort St. George Chennai-600 009.
- 2 The Special Commissioner
Town & Country Planning Department No.807
Anna Saalai Chennai-2.
- 3 The Commissioner
Corporation Of Chennai Chennai-3.
- 4 The Managing Director
CMDA, No.1 Gandhi Irwin Saalai Egmore
Chennai-600 008.
- 5 The Executive Officer
Nandambakkam Town Panchayat Nandambakkam
Chennai-89.
- 6 The Managing Director
CMWSSB Dr.subbarayan Nagar Main Road
Subbarayan Nagar
Kodambakkam Chennai-24



WEB COPY



W.P.No.6401 of 2014

N. SATHISH KUMAR, J.

kpr

W.P.No.6401 of 2014
&
M.P.No.1 of 2014

15.12.2022