



WEB COPY



*W.P.No.32156 of 2014*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10.10.2022**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.32156 of 2014**

**and**

**M.P.Nos.1 & 2 of 2014**

S.Manikandan

... Petitioner

VS.

- 1.The District Collector,  
Kancheepuram,  
Kancheepuram District.
- 2.The Director,  
Directorate of Town and Country Planning,  
Chengalvarayan Building, 4th Floor,  
807, Anna Salai,  
Chennai - 600 002.
- 3.The Commissioner,  
Kundrathur Panchayat Union, Kundrathur,  
Kancheepuram District.
- 4.The President,  
Madambakkam Panchayat,  
Kundrathur Panchayat Union,  
Kancheepuram District.



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5.K.Khadar

6.Kutty Bai

... Respondents

**PRAYER:** Writ 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 property earmarked as play ground for public purpose in the approved layout known as "Sri Vignesh Nagar", approved by the Director of Town and Country Planning vide its approval dated 04.12.1985 in No.85/101/L.P.60/DTCP, situated at Old No.194, New No.169, Madambakkam Village, Sriperumbudur Taluk, Madambakkam Panchayat, Kancheepuram District and further restraining the respondents 5 and 6, their men, agents, servants or anybody claiming under or through them from putting up any construction in any manner whatsoever in the said play ground.

For Petitioner : Mr.R.Sriram  
For R1 to R3 : Mr.U.Bharanidharan,  
Additional Government Pleader  
For R4 to R6 : No appearance

**ORDER**

This writ petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to maintain the property earmarked as play ground for public purpose in the approved layout known as "Sri Vignesh Nagar", approved by the Director of Town and Country



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Planning vide its approval dated 04.12.1985 in No.85/101/L.P.60/DTCP, situated at Old No.194, New No.169, Madambakkam Village, Sriperumbudur Taluk, Madambakkam Panchayat, Kancheepuram District and further restraining the respondents 5 and 6, their men, agents, servants or anybody claiming under or through them from putting up any construction in any manner whatsoever in the said play ground.

2. The case of the petitioner is that he purchased the above said property situated in said layout to an extent of 2100 sq.ft. from one S.Seethapathy vide Sale Deed dated 16.07.2013 and Patta in respect of the same was also issued in favour of the petitioner. Thereafter, the petitioner has let out his property and the tenant is in occupation of the said property. However, the petitioner came to know that the respondents 5 and 6 who are none other than the petitioner's tenant were attempting to put up construction over the land earmarked as play ground and school for public purpose in the approved plan which is adjacent to the petitioner's plot. While so, the residents of the above said layout made a representation dated 12.11.2014, before the first respondent to take immediate measures to



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prevent illegal attempt for construction and to maintain the property which is earmarked for public purpose. Since the same was not considered the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, however, the crux of the relief as submitted by the learned counsel for the petitioner is that a direction to the respondents 3 and 4, to maintain the property which is earmarked for the public purpose and to restrain respondents 5, 6 and their men from putting up any construction in the property which is allotted for aforesaid purpose.

4. The learned Additional Government Pleader appearing for respondents 1 to 3 did not dispute the facts submitted by learned counsel appearing for the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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6. Though learned counsel for the respondents 4 to 6 did not appear before this Court, considering the limited request sought for by learned counsel for the petitioner, this Court, directs the third and fourth respondents to maintain the property in the aforesaid layout which is earmarked for public purpose and if any encroachment is made, the said encroachment shall be removed after following due process of law.

7. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

**10.10.2022**

RAP

Index : Yes/No

Speaking order : Yes/No



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**M.DHANDAPANI, J.**

RAP

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