



W.P(MD)No.19804 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19804 of 2015

and

M.P(MD)No.1 of 2015

E.Vijayalakshmi

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Housing Board,
Chennai.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Superintending Engineer,
Tamil Nadu Housing Board,
Madurai.
- 4.The Executive Engineer,
Tamil Nadu Housing Board,
Ramanathapuram.
- 5.The President,
Sankarapuram Village Panchayat,
Karaikudi Taluk,
Sivagangai District.

... Respondents



W.P(MD)No.19804 of 2015

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 4 herein from permitting the 5th respondent to construct any kind of building in the play ground other than its original purpose earmarked in “Small and Medium Town Housing Scheme, Kalanivasal at Karaikudi” situated in survey No.238/2 in Kalanivasal Village, Karaikudi.

For Petitioner	: Mr.D.Srinivasa Ragavan
For R1 & R2	: Mr.K.S.Selva Ganesan Additional Government Pleader
For R3 & R4	: Mr.S.Sumesh
For R5	: Mr.M.Saravanan

ORDER

The present writ petition has been filed seeking a writ of Mandamus, forbearing the respondents 1 to 4 from permitting the 5th respondent from constructing any kind of building in the plot allotted for play ground in the approved layout in “Small and Medium Town Housing Scheme, Kalanivasal at Karaikudi”.



W.P(MD)No.19804 of 2015

2. According to the learned counsel for the petitioner, the survey number in dispute was allotted as a playground in the approved layout.

The petitioner has purchased the adjacent property proposing to construct a school. Only under the fond hope that the adjacent property has been classified as a play ground, she purchased the present property for constructing a school, so that she can utilise the adjacent property for that school. However, the 5th respondent has started putting up construction in the said playground, thereby, diminishing its value and taking away the classification as approved for the approved layout. Hence, the present writ petition.

3. The learned counsel appearing for the 5th respondent has placed before this Court a gift deed, dated 03.06.1987 executed by Tamil Nadu Police Housing Corporation in favour of the 5th respondent herein. As per the gift deed, the playground in dispute along with other reserved plots like Park, School, CPS and roads were gifted to the 5th respondent/Panchayat. Hence, according to the 5th respondent, the playground in dispute has already been gifted to the 5th respondent/Panchayat. The said playground is having a total extent of 23,460 square feet. Out of the said extent, in a small extent of 1200



W.P(MD)No.19804 of 2015

square feet, a construction of E-Seva Centre is being made for public purpose. Hence, according to the learned counsel for the 5th respondent, the said construction cannot be found fault with, especially when the same is for a public purpose.

4. I have carefully considered the submissions made on either side.

5. The petitioner has purchased the property in Survey No.238/2 on 18.05.2006, which was a school site from the “Small and Medium Town Housing Scheme, Kalanivasal at Karaikudi”. The records clearly reveal that she had purchased only the site, which has been allotted for the school. Hence, the petitioner is not entitled to make any claim over the adjacent survey number, which has been allotted for a playground. The plot classified as a playground in an approved layout is not meant for the school site, but it is meant for all the residents of the locality. Therefore, the contention of the writ petitioner that under the fond hope that the adjacent survey number is a playground, she purchased the school site has no legal basis whatsoever.

6. All the public reserved places have been gifted in favour of the



W.P(MD)No.19804 of 2015

5th respondent/Panchayat by the Chairman and Managing Director of the Tamil Nadu Police Housing Corporation. Hence, the properties are vested with the 5th respondent/Panchayat. In the said plot, for a small extent of 1200 square feet, the 5th respondent has put up construction of E-Seva Centre for the benefit of the entire general public of the said locality. Hence, I do not find the petitioner has got any legally sustainable case by the prayer sought for in the present writ petition. This writ petition is devoid of merits.

7. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.11.2022

Index : Yes / No
Internet : Yes / No
gbg

To

1.The Managing Director,
Tamil Nadu Housing Board,
Chennai.

2.The District Collector,

5/6



WEB COPY

Sivagangai District,
Sivagangai.



W.P(MD)No.19804 of 2015

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P(MD)No.19804 of 2015

Dated:
15.11.2022