



W.P.(MD)No.66 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.66 of 2017

and

W.M.P.(MD)No.48 of 2017

Ellis Nagar West Residential Welfare Sangam
Represented by its President,
S.Shanmugagsamy,
S/o.Subbiah,
531, Ellis Nagar Road,
Madurai-625 016.

... Petitioner

Vs.

1.The Executive Engineer and Administrative Officer,
Madurai Housing Board Division,
Ellis Nagar,
Madurai-625 016.

2.M.Ramesh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent in Letter No.M.H. 7/MDU-003/07, dated 26.04.2016 and quash the same and consequently, direct the first respondent to cancel the sale deed dated 01.04.2008 which was executed to the second respondent for public purpose.



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For Petitioner : Mr.C.Vakeeswaran
For R1 : Mr.R.Sivakumar
Standing Counsel
For R2 : Mr.J.Anandkumar

ORDER

Heard the learned counsel on either side.

2. The petitioner is a registered society comprising the residents of Ellis Nagar West Area. Their grievance is that the first respondent had sold 35 cents of land earmarked as park / play ground in favour of the second respondent.

3. When the matter was taken up for hearing, the learned standing counsel produced the original layout plan approved by the Director of Country and Town Planning and contended that the site sold in favour of the second respondent was earmarked for public purposes. This expression “public purposes” should not be misconstrued. According to him, the site earmarked as park or play ground or for road purposes



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would constitute non-saleable interest and they cannot be alienated.

But what was sold to the second respondent would not come under the said category. The area sold in favour of the second respondent fell under what is known as saleable interest.

4. I sustain the stand of the first respondent. However, I make it clear that the second respondent cannot plot it out or sell to the individual persons. In other words, he cannot deal with it as a piece of real estate. The entire extent of 35 cents will have to be used for public purposes such as putting up auditorium.

5. With this clarification, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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