



WEB COPY



W.P.No.4858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.4858 of 2023

P.Arjunan

.. Petitioner

Vs

1 The Commissioner of Municipal Administration
Chepauk, Chennai – 600 005.

2 The District Collector
Salem District
Salem - 636 705.

3 The Municipal Commissioner
Mettur Municipality, Mettur
Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents herein from anyway converting the land in S.No.69/1/57 (T.S.No.15/5 Block No.1) in Ward No.7, Mettur Municipality from Play Ground into a park arbitrarily without following the proper procedure in a manner known to law.



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For the Petitioner : Mr.D.Baskar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 2

: Mr.L.P.Maurya
for 3rd respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.D.Baskar, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 and 2; and Mr.L.P.Maurya, learned counsel for the third respondent.

2. Learned counsel for the petitioner submits that the land in Ward No.D, Town Survey No.15/8, that is wrongly referred to as Survey No.15/15 in the pleading, is meant for playground in the development plan. The Municipality is now trying to construct a park in the same. They are not permitted to change the nature of the land without following the procedure prescribed under the Tamil



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Nadu Town and Country Planning Act, 1971.

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3. According to learned counsel for the petitioner, in the revenue record also the said land is reserved for playground and also used by the public of the area as such and for conducting cultural functions during the festival of Sri Sakthi Periya Mariamman Temple for the past 70 years and political parties also conduct their meetings. The students also use the said playground for sports and games. The said playground is called as 'Gandhi Maidhanam' by the people of the area.

4. According to learned counsel for the third respondent/Municipality, S.No.15/8 admeasures 35608 sq.ft. and some part of it would be used for the children's park and an area of 9684 sq.ft. will remain as a playground.

5. It is not the case of the petitioner that the open land, which is meant for playground as per the revenue record, is being used for commercial purpose or some other purposes. A playground is not to



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be used as a meeting place of political parties as a matter of course.

The use of the land is not being changed. The petitioner has not placed on record the development plan duly sanctioned to come to the conclusion as to the purpose for which S.No.15/8 is reserved. Moreover, the activity that is carried out by the respondents is developing the children's park and the playground is also being maintained.

In the light of that, we are not inclined to entertain the present writ petition. The writ petition, as such, is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.4891 and 12572 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

(sasi)

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