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W.P.No.11072 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.11072 of 2022

and

WMP.No.10660 of 2022

Anna Nagar Western Extension Association
Rep.by its Secretary Mr.P.Vadivel
Having Office at
R13B, Park Road, Anna Nagar West Extension
Chennai 600 101.

...Petitioner

Vs.

1.Zonal Officer
Zone-7
Greater Chennai Corporation
MTH Road, Ambattur
Chennai 600 053.

2.The Commissioner
Greater Chennai Corporation
Ripon Buildings, No.1131
EVR Periyar Salai,
Park Town
Chennai 600 003.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of impugned letter i.e., letter dated 08.04.2022 bearing Zone 7/Na.Ka.No.1907/2022 sent by the first respondent to the petitioner association and quash the same and consequently direct the respondents to handover the premises and tennis courts to the petitioner association.

For Petitioner : Mr.Naveen Kumar
for Ms.S.Varsha

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel (GCC)

ORDER

The petitioner herein has come up with this Writ Petition, challenging the order passed by the first respondent directing the petitioner to handover the possession of the land in Millennium Park, Anna Nagar Extension, Chennai 600 101.

2. According to the petitioner, it is a registered society involved in number of public welfare activities. There exists a public park in the name of “Millennium Park” established by the erstwhile Ambattur Municipality. The



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Commissioner of said municipality permitted the petitioner to construct a public library and reading room by fixing rent within the said “Millennium Park” by his proceedings dated 01.07.1991. Accordingly, the petitioner association constructed the public library and reading room and maintained the same as per the condition in the allotment order. Subsequently, on 30.08.1995, the then Commissioner of Ambattur Municipality permitted the petitioner association to develop a tennis court in the very same park premises. In pursuance of the said permission, the petitioner developed a tennis court as per the allotment condition given in the order.

3. All of a sudden, the second respondent issued a notice calling upon the petitioner to explain the violation of allotment conditions. The members of the petitioner association could not appear before the second respondent on the date fixed for hearing and on the next date, the present impugned order was passed for re-possessing portion of land which was allotted to the petitioner association.

4. The learned counsel for the respondents by taking this Court to the counter affidavit filed by the first respondent submitted that the land was



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allotted to the petitioner association on the condition that the general public should be allowed to receive the services free of costs. There was a condition that as and when the land is required by the municipality, the petitioner association should hand over the same to the municipality. Now, Ambattur municipality is merged with the Chennai Corporation and therefore, the said area is coming within the limit of second respondent corporation.

5. It is the case of the respondents that they received the complaint against the petitioner as if the petitioner indulged in collection of fees from the general public for using various facilities developed in the land allotted to the petitioner association. Therefore, a notice was issued to the petitioner association for explanation. Since nobody from the petitioner association appeared for enquiry on 07.04.2022, based on the materials available, the respondents passed the order.

6. The learned counsel for the petitioner association submitted that they were not given sufficient opportunity to put forth their case and therefore, the petitioner shall be given an opportunity to raise their objection to the impugned order.



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7. In view of the said submission, the petitioner is directed to file a fresh representation before the first respondent raising its objection to the impugned order and the first respondent is directed to consider the petitioner's representation on merits and in accordance with law, within a period of 8 weeks from the date of submission of the representation.

8. Till the representation of the petitioner is considered and final order is passed by the first respondent, the respondents shall maintain a status-quo and the developments made by the petitioner shall not be altered.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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To

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2.The Commissioner
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