



WEB COPY



W.P.No.33993 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33993 of 2014

and

M.P.No.1 of 2014

1. Peelamedu Bharathi Colony Veetumanai
Urimaiyalar Potunala Sangam,
rep. by its secretary J.Radhakrishnan,
East Rotary Community Hall,
Bharathi Colony, Peelamedu (PO),
Coimbatore-641004.

... Petitioner

Vs.

1. The Commissioner
Coimbatore Corporation,
Coimbatore.

2. The District Collector,
Coimbatore.

3. Bharathi Co-operative Buildings Society Ltd.,
No.K.1832, Peelamedu,
Coimbatore - 641 004.
Rep. by its President.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the respondents to



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restore the entries in the revenue records showing the petitioner as the owner of the lands in S.F.No.423 and 414 of Sowripalayam Village, Coimbatore.

For Petitioner : Mr.Ramesh Venkatachalapathy

For Respondents :
(for R1) : Mr.K.Magesh
(for R2) : Mr.D.RAvichander, Spl.G.P.
(for R3) : Mr.L.P.Shanmugasundaram

ORDER

The relief sought in the present writ petition is to direct the respondents to restore the entries in the revenue records showing the petitioner as the owner of the land in S.F.No.423 and 414 of Sowripalayam Village, Coimbatore.

2.The third respondent Co-operative Building Society formed a layout and the members of the petitioner Sangam purchased the house sites, constructed residential houses and are residing there. The grievances of the writ petitioner is that the portion of the land earmarked as a park/children play area has been attempted to be converted to a saleable area by the third respondent society.



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3.The third respondent society is a Co-operative Society registered under the provisions of the Tamil Nadu Cooperative Societies Act and they are bound to implement the layout as it is without any deviation or violations. As per the sanctioned layout, the play area has already been handed over to the Coimbatore Corporation and they are maintaining the same as a children play area / park. The said area cannot be dealt with by the third respondent Co-operative Society, since it is under the control of the Corporation and is being maintained for the benefit of the children and the people of that locality. The members of the petitioner's association are also the beneficiaries of the children play area and therefore, no one can seek patta or right over the common children play area which is to be utilised for the benefit of the people of that locality.

4.The patta, as far as the said portion of the land is concerned, stands in the name of the Government. The children play area is being maintained by the Coimbatore Corporation and it is to be maintained for the benefit of the people of that locality including the members of the petitioner's association. Anybody interfering with the peaceful possession of the Corporation is to be dealt with, in accordance with law.



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5. Accordingly, the writ petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

(sha)

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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