



WEB COPY



W.P.No.22864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.22864 of 2023
and W.M.P.No.22340 of 2023**

1. R.KUMARAVEL
2. G.MADHAIYAN
3. RAJEDNRAN
4. KEMBUVEERAN

... Petitioners

Vs.

1. THE DISTRICT COLLECTOR
COLLECTORATE,
DHARMAPURI DISTRICT,
DHARMAPURI - 636 705.

2. ADDITIONAL COLLECTOR/PROJECT DIRECTOR,
DRDA,
DHARMAPURI DISTRICT,
COLLECTORATE, DHARMAPURI - 636 705.

3. BLOCK DEVELOPMENT OFFICER,
BDO OFFICE ,
S.V.ROAD, DHARMAPURI TOWN,
DHARMAPURI - 636 701.

4. EXECUTIVE ENGINEER,
DRDA OFFICE, S.V.ROAD,
DHARMAPURI TOWN,
DHARMAPURI - 636 701.



W.P.No.22864 of 2023

5. ASSISTANT ENGINEER,
DRDA OFFICE, S.V.ROAD,
DHARMAPURI TOWN,
DHARMAPURI - 636 701.

6. VILLAGE ADMINISTRATIVE OFFICER,
LAKKIAMPATTY PANCHAYAT,
S.V.ROAD, DHARMAPURI TOWN,
DHARMAPURI - 636 701.

7. PRESIDENT,
LAKKIAMPATTY PANCHAYAT,
SENTHIL NAGAR, DHARMAPURI - 636 705.

8. SECRETARY,
KK 145, DHARMAURI CO-OPERATIVE BUILDING SOCIETY
K.K. 145, VALLALAR THIDAL,
NETHAJI BYE PASS ROAD, DHARMAPURI - 636 701.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the Respondents 1 to 5 to take appropriate action to stop the unauthorised construction of the Ration Shop/Fair Price Shop in the land earmarked as park and playground in S.No. 416/24A of Society Colony Layout Lakkiampatty Panchayat, Dharmapuri District based on the Representation of the petitioner dated 06.05.2023

For Petitioners : Mr.Arun Dhanapalan

For Respondents : Mr.P.Gurunathan, AGP for R1
Mr.S.J.Mohamed Sathik, GA for R8
Mr.Azzuzullakhan, GA for RR2 & 3



W.P.No.22864 of 2023

WEB COPY

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed by the residents of the Society Colony, Vellegoundan Palayam Village, Dharmapuri Taluk, Dharmapuri District, praying to direct the respondents 1 to 5 to take appropriate action, to stop the unauthorised construction of the Ration Shop/Fair Price Shop, in the land earmarked as Park in S.No.416/24A of Lakkiampatty Panchayat, Dharmapuri District.

2. Learned counsel for the petitioner would submit that the petitioner is residing in the Society colony which was formed before 30 years as a layout in LPH No.80/66 in Survey Nos. 416, 417 and 422/1 in Vellegoundan Palayam Village, Dharmapuri Taluk by the Administrators of the Dharmapuri Co-operative Building Society.

3. According to the petitioner, there were nearly 72 plots formed in the said layout and 65 houses were built and occupied by the people and the petitioners are also residing in the said building. According to him, at the time of formation of layout, an extent of 8400 sq.ft.was earmarked as park and play ground for the residents of the Society colony in S.No.416/24A.



W.P.No.22864 of 2023

WEB COPY

(ii). While selling the plots, the said land was shown as park and play ground. Now, the Official respondents unauthorisedly constructed a Ration shop/Fair Price Shop in the said land which is earmarked as playground instead of putting up the same in the Government land which was available within the vicinity of the 8th respondent layout. Aggrieved by the same, the petitioners along with other residents of the Society sent a detailed representation dated 06.05.2023 to the 1st respondent for taking action against the unauthorised construction of the Ration Shop in the land belonging to the Society, but no action has been taken till date. Hence, the present Writ Petition.

4. Learned Additional Government Pleader appearing for the 1st respondent would submit that when the matter came up for admission, this Court granted an order of status quo and in view of the same, no further construction was made in the said land.

5. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents and this Court had perused the materials available on record.



W.P.No.22864 of 2023

WEB COPY

6. Recording the submission of the learned Additional Government Pleader appearing for the 1st respondent that the status quo has been maintained and no construction has been made in the said land, the first respondent is directed to consider the petitioners' representation dated 06.05.2023 by giving opportunity to them and pass appropriate orders on merits and in accordance with law. The said exercise shall be done within a period of eight(8) weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (N.M,J.)

25.09.2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

Jer/msv

Note:Registry is directed to issue certified copy of this order after the requisite Court Fee is paid for each of the petitioner.

To

1. THE DISTRICT COLLECTOR
COLLECTORATE,
DHARMAPURI DISTRICT,
DHARMAPURI - 636 705.



W.P.No.22864 of 2023

2. THE ADDITIONAL COLLECTOR/PROJECT DIRECTOR,
DRDA,
DHARMAPURI DISTRICT,
COLLECTORATE, DHARMAPURI - 636 705.

3. THE BLOCK DEVELOPMENT OFFICER,
BDO OFFICE ,
S.V.ROAD, DHARMAPURI TOWN,
DHARMAPURI - 636 701.

4. THE EXECUTIVE ENGINEER,
DRDA OFFICE, S.V.ROAD,
DHARMAPURI TOWN,
DHARMAPURI - 636 701.

5. THE ASSISTANT ENGINEER,
DRDA OFFICE, S.V.ROAD,
DHARMAPURI TOWN,
DHARMAPURI - 636 701.

6. THE VILLAGE ADMINISTRATIVE OFFICER,
LAKKIAMPATTY PANCHAYAT,
S.V.ROAD, DHARMAPURI TOWN,
DHARMAPURI - 636 701.

7. PRESIDENT,
LAKKIAMPATTY PANCHAYAT,
SENTHIL NAGAR, DHARMAPURI - 636 705.



WEB COPY



W.P.No.22864 of 2023

J. NISHA BANU, J.
and
N.MALA, J.

Jer/msv

W.P.No.22864 of 2023

25.09.2023