



WP No.24409 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

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

AND

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

WP No.24409 of 2023
and WMPNos.23836 and 23838 of 2023

Annai Education and Social Service Trust
Rep by its General Secretary Mr.Siva Gunasekharan
Door No.21/11, Samy Street,
Choolai, Chennai-600112.

... Petitioner

-VS-

1. The Secretary to Government,
Municipal Administration and Water
Supply Department, Fort St. George,
Chennai-9.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-3.
3. The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai – 9.
4. The Chairman,
Tamil Nadu Urban Habitat Development Board,
Door No.5, Kamarajar Salai,
Triplicane, Chennai-5.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 2nd respondent from permitting any other person or body to carry out any other activities in the land comprised in S.No.1267/1, Block No.26 of Chennai Corporation, which is reserved exclusively for the use of children as playground, including giving permission to the 4th respondent to construct multi storied residential complex and allotting house units for houseless poor people and directing the 2nd respondent to restore the playground for the exclusive use of children.

For the Petitioner : Mr.C.Ravichandran
For Mr.S.B.Viswanathan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 and 3
Mr.A.Arun Babu for R-2
Mr.S.Karthikeyan for R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Ravichandran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 and 3, Mr.A.Arun Babu, learned counsel for respondent No.2 and Mr.S.Karthikeyan, learned counsel for respondent No.4.



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2. This public interest litigation appears to be premature. It is based only on apprehension without any substance. Grievance is made that Block No.26, S.No.1267/1 reserved for playground/park is sought by the 4th respondent for construction of a multi-storied residential complex.

3. There is nothing on record to substantiate that the Greater Chennai Corporation had already granted such permission for construction on the land reserved for playground/park.

4. The land reserved for public purpose and/or park or playground cannot be used for any other purpose unless as provided under the statute.

5. As there is nothing on record to substantiate that permission has been granted for construction of a residential and/or commercial units on a land reserved for playground/park, no further orders can be passed. We cannot rely upon paper news for grant of relief.



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6. The respondent No.2 Corporation is also represented by the learned counsel in the present matter. Naturally, the respondent Nos.1 to 3 will have to consider the purpose for which the land is reserved before entertaining such applications for construction.

The writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

sra



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