



W.P.Nos.24131 of 2019
and 5073 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition Nos.24131 of 2019 and 5073 of 2020
and
W.M.P.Nos.23925 of 2019 and 5996 and 7132 of 2020

Manoharan.R

.. Petitioner in W.P.No.24131 of 2019

M/s.KB Park View Apartments' Association,
Rep. by its Secretary MR.R.Thiyagu,
D2, KB's Part View Apartments,
Cross Street, Maxworth Nagar, Phase-2,
Kolappakkam, Chennai-600 122.

.. Petitioner in W.P.No.5073 of 2020

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.

2. The Chairman,
CMWSSB,
Pumping Station Road,
Chintadripet, Chennai-31.

3. The Project Engineer,
CMWSSB, Chennai,
Pumping Station Road,
Chintadripet, Chennai-31.

.. Respondents in W.P.No.24131 of 2019

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1. The District Collector,
Chennai District,
Collectorate, Chennai.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
3. The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai.
4. The Zonal Officer,
Corporation of Chennai,
Area XII, Depost No.156,
No.1/330, Padasalai Street,
Mugalivakkam, Chennai-125.
5. The Chief Engineer - Projects,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai.
6. The Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan House,
No.1, Gandhi Irwin Road, Ansari Estate,
Egmore, Chennai-600 008.

(Sixth respondent impleaded as per
order dated 05.03.2020 in
W.M.P.No.6682 of 2020 in W.P.No.5073 of 2020)

. Respondents in W.P.No.5073 of 2020

Writ Petition No.24131 of 2019 filed under Article 226 of the Constitution
of India, praying for issuance of a Writ of Mandamus to direct to retain the area



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earmarked as park in Survey Nos.135, 136, 137, 138 and 139 in Layout called VND Avenue, Madanadapuram Village in Ward No., Zone No.12, Chennai Corporation.

Writ Petition No.5073 of 2020 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to forbear from encroaching upon the open space reserved for park in VND Avenue approved Layout, vide Approval in Ref.No.PPD/LO.No.91/1991 situated at Madanandapuram, Chennai, by converting into a Sewerage Pumping Station site and to re-locate the proposed Sewerage Pumping Station in the VND Avenue Layout situated at Madanandapuram, Chennai to any other place, on the basis of the petitioner's representation, dated 18.07.2019.

For petitioner : M/s.Dass & Viswa Associates undertook to file vakalat
in W.P.No.24131 of 2019
Mr.T.Arockia Dass for M/s.Dass and Viswa Associates in
W.P.No.5073 of 2020

For respondents: Mr.E.C.Ramesh, Standing Counsel for R-1 in
W.P.24131 of 2019 & for RR-2 & 4 in W.P.5073 of 2020
Mrs.R.L.Karthika, Govt. Advocate for R-1 in W.P.5073 of 2020
Mrs.K.Vasanthamala, Standing Counsel for RR-2 & 3 in
W.P.24131 of 2019 and for RR-3 and 5 in W.P.No.5073 of 2020
Mrs.P.Veena Suresh for R-6 in W.P.No.5073 of 2020

COMMON ORDER

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(The Common Order of the Court was made by D.Krishnakumar, J)

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Writ Petition No.24131 of 2019 is for issuance of a Writ of Mandamus to direct to retain the area earmarked as park in Survey Nos.135, 136, 137, 138 and 139 in Layout called VND Avenue, Madanadapuram Village in Ward No., Zone No.12, Chennai Corporation.

2. Writ Petition No.5073 of 2020 is filed for issuance of a Writ of Mandamus to direct the respondents to forbear from encroaching upon the open space reserved for park in VND Avenue approved Layout, vide Approval in Ref.No.PPD/LO.No.91/1991 situated at Madanandapuram, Chennai, by converting into a Sewerage Pumping Station site and to re-locate the proposed Sewerage Pumping Station in the VND Avenue Layout situated at Madanandapuram, Chennai to any other place, on the basis of the petitioner's representation, dated 18.07.2019.

3. A status report, dated 19.06.2023 has been filed in both the Writ Petition, stating as follows:

"5. I submit that CMWSSB has dropped the proposal to construct the Zone 1 Sewer Pumping Station at open space reserved for park in VND

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Avenue, approved layout vide approval in Ref.No.PPD/LO.No.91/1991 situated in Madanandapuram, Chennai. After filing of the above WP an alternative location was identified and the said project is under progress as stated supra, in view of the above submission the above W.P. became infructuous. Therefore it is humbly prayed that this Hon'ble Court may be pleased to dismiss the above Writ Petition as infructuous and thus render justice."

4. In view of filing of the above status report, and that the construction of Sewerage Pumping Station has been identified in an alternative location, nothing survives for adjudication in these Writ Petitions, which are accordingly dismissed as having become infructuous. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

(D.K.K., J) (P.D.B., J)
19.06.2023

Speaking Order: Yes/no

Neutral Citation: Yes/no

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D.KRISHNAKUMAR, J



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P.DHANABAL, J

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