



WEB COPY



W.P.No.33759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33759 of 2023

M.Selvaraj

Vs.

.. Petitioner

1.The District Collector
Collectorate
Coimbatore 641 018

2.The Assistant Director
(Village Panchayats)
Rural Development Agency
Collectorate, Coimbatore 641 018

3.The Member Secretary
Coimbatore Local Planning Authority
Tatabad, Coimbatore 641 012

4.The Block Development Officer
(Village Panchayats)
Sulur Panchayat Union
Sulur, Coimbatore 641 012

5.Chinniyampalayam Village Panchayat
Rep. by its President
Chinniyampalayam
Sulur Panchayat Union
Coimbatore 641 062



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- 6.N.Devarajan
- 7.K.Manickam
- 8.N.Rajalakshmi
- 9.M.Dhanalakshmi
- 10.Poovathal
- 11.M.Sulochana
- 12.C.Bhoopathy
- 13.Pandiya Lakshmi
- 14.P.Kalyani
- 15.M.Ilancheralthan
- 16.Sarasu @ Saraswathi
- 17.S.Palanisamy
- 18.Kavitha
- 19.Ilangovan
- 20.A.Arul
- 21.M.Mohanraj
- 22.K.R.Kandasamy
- 23.Anbuselvi
- 24.R.Marappan
- 25.Uma Maheswari
- 26.V.Subburaj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 5 to restore the OSR lands measuring 71059 sq.ft. meant for a park and 10199 sq.ft. meant for a community hall in the layout plan in LA/CP E.No.557/91 dated 06.05.1991 comprised in 29/2A, 29/2B, 37/2B and 37/3C, Chinniyampalayam, Irugur Village, Sulur Taluk, Coimbatore District, from illegal occupation of the respondents 6 to 24 by considering the petitioner's representations dated 02.08.2021, 23.08.2021 and 20.10.2021.

For Petitioner : Mr.N.Manoharan
For R1 to R4 : Mr.P.Muthukumar
Government Pleader



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ORDER

(Order of the court was made by R. MAHADEVAN, J.)

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Mr. P. Muthukumar, learned Government Pleader, takes notice for the respondents 1 to 4. By consent of both the parties, this writ petition is taken up for final disposal.

2. According to the petitioner, he had submitted representations dated 02.08.2021, 23.08.2021 and 20.10.2021 to the 1st respondent to recover the Open Space Reserve (OSR) area viz., 71059 sq.ft. earmarked for park and 10199 earmarked for Community Hall in the layout plan in LA/CP E.No.557/91 dated 06.05.1991 comprised in S.Nos.29/2A, 29/2B, 37/2B and 37/3C, Chinniyampalayam, Irugur Village, Sulur Taluk, Coimbatore District, from the illegal occupation of the respondents 6 to 24. Since his representations were not considered, the petitioner has come up with the present writ petition as Public Interest Litigation, seeking a direction to the respondent authorities to dispose of the representations submitted by him.

3. The learned counsel appearing for the petitioner submitted that the respondents 1 to 5 herein have conveniently and deliberately flouted the



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provisions of the Tamil Nadu Town and Country Planning Act, 1971 and the Tamil Nadu Panchayat Act, 1994 and illegally allowed the private respondents to deal with the OSR lands. He further submitted that since the duty cast upon these respondents for the proper reservation and regulation of OSR lands under the provisions of Tamil Nadu Parks, Play fields and Open Space (Preservation and Regulation) Act, 1959, has not been followed, the petitioner has no other alternative, except to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and file this writ petition for a direction to take action against these erring respondents.

4. The learned Government Pleader took notice on behalf of the respondents 1 to 5 and submitted that the representations sent by the petitioner would be considered, if not already considered and appropriate orders would be passed by the respondents, within a time frame to be stipulated by this Court.

5. Considering the limited nature of the relief sought for herein, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representations dated 02.08.2021, 23.08.2021 and 20.10.2021, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the



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petitioner and all the concerned parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

[R.M.D,J.] [M.S.Q, J.]
01.12.2023

Neutral Citation : Yes/No
gya

To

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Coimbatore 641 018

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R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

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5.The President
Chinniyampalayam Village Panchayat
Chinniyampalayam
Sulur Panchayat Union
Coimbatore 641 062

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