



W.P.(MD)No.8185 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8185 of 2018
and
Cont.P.(MD)No.1442 of 2023
in W.M.P.(MD)No.7736 of 2018
in W.P.(MD)No.8185 of 2018
and W.M.P.(MD)Nos.7736 of 2018 and 22125 of 2023

W.P.(MD)No.8185 of 2018

M.Nallathambi

... Petitioner

versus

1. The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram Taluk,
Dindigul District.

2. The District Collector,
The Chairman Local Planning Authority,
Dindigul District, Dindigul.

3. The Director,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.

... Respondents



W.P.(MD)No.8185 of 2018

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents from putting up any construction of whatsoever purpose in the area earmarked as park in layout No.844/1989 and situated in Survey No.230/1A, Thendral Nagar, Ottanchathiram, Dindigul District and further, to direct the respondents to permit the petitioner to develop the same as park, for the common enjoyment of all the residents of Thendral Nagar, Ottanchathiram, Dindigul District.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.Veerakathiravan,
Additional Advocate General
assisted by Mr.C.Jeganathan

For R2 and R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

Cont.P.(MD)No.1442 of 2023

M.Nallathambi

... Petitioner

versus

1. Tmt.P.Devika
The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram Taluk,
Dindigul District.



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2. Mrs.M.N.Poongodi, I.A.S.,
The District Collector,
& The Chairman Local Planning Authority,
Dindigul District, Dindigul.

3. Thiru B.Ganesan, I.A.S.,
The Director,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.

... Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/Respondents for the willful disobedience of the order of this Court in W.M.P.(MD)No.7736 of 2018 in W.P.(MD)No.8185 of 2018 dated 16.04.2018.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

COMMON ORDER

The petitioner has filed this writ petition for a Mandamus forbearing the respondents from putting up any construction of sewage in Survey No.230/1A, Thendral Nagar, Ottanchathiram, Dindigul District in the place, which was earmarked as park in layout No.



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844/1989.

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2. In this writ petition, this Court, by order dated 16.04.2018, granted an order of interim injunction restraining the respondents from putting up any construction in the subject land. Since the respondents have not obeyed the order of this Court dated 16.04.2018, Cont.P. (MD)No.1442 of 2023 has been filed by the petitioner.

3. Today, when the matters are taken up for hearing, the learned counsel appearing for the Municipality submits that on the advice of the learned Additional Advocate General, the respondents have decided to put up sewage in another survey number.

4. Recording the submission made by the learned counsel appearing for the Municipality, both the writ petition and the Contempt Petition are closed.



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5. Before parting with, it is to be noted that the place earmarked for a park has to be maintained only as a park. Further, the petitioner has donated that place to the Municipality and also executed a gift deed in favour of the Municipality. Therefore, the Municipality ought to have established a park in that place. In the event, if the Municipality is having any inconvenience in maintaining the park, let the petitioner be allowed to maintain the same as a park. The first respondent Municipality shall take a decision in this regard, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Commissioner,
Ottanchathiram Municipality,
Ottanchathiram Taluk,
Dindigul District.



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B.PUGALENDHI, J.

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2. The District Collector,
The Chairman Local Planning Authority,
Dindigul District, Dindigul.
3. The Director,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.

W.P.(MD)No.8185 of 2018
and
Cont.P.(MD)No.1442 of 2023

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