



W.P.(MD)No.19945 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19945 of 2014
and M.P.(MD)Nos.1 of 2014 and 1 of 2015

V.P.N.R.Trust,
Rep. by its Managing Trustee,
Dr.Nirmala Pandiarajan
W/o.Pandiarajan
No.23 H.I.G. Anna Nagar,
Madurai – 625 020.

... Petitioner

versus

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Madurai North Taluk,
Madurai.
3. The President,
Y.Othakadai Panchayat,
Madurai.
4. Neelamegam Nagar House
Owners' Association,
Neelamegam Nagar,
Y.Othakadai, Madurai North,
Madurai.

... Respondents



W.P.(MD)No.19945 of 2014

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.8250/12/D3 dated 31.07.2012 and quash the same and consequently, forbear the respondents from in any way interfering with the peaceful possession and enjoyment of the petitioner in respect of the vacant playground of Raghav Public School, in Survey No.17/1 A Rajakambir Nagar, Y.Othakadai Village, Madurai.

For Petitioner : Mr.B.Vinoth Balan
For R1 and R2 : Mr.S.Shaji Bino,
Special Govt. Pleader
For R3 : Mr.M.Ponniah
For R4 : Mr.K.Kamaludeen

ORDER

This writ petition is filed as against the order dated 31.07.2012, in and by which, the second respondent has cancelled the patta for the land in Survey No.17/1 A Rajakambir Nagar, Y.Othakadai Village, Madurai that the land was earmarked for public purpose.

2. The petitioner is a Charitable Trust established with an object



W.P.(MD)No.19945 of 2014

to impart education to the downtrodden people and is also running a School in the name of “Raghav Public School”. The land in Survey No.17/1 A Rajakambir Nagar, Y.Othakadai Village, Madurai, which has been earmarked for public purpose, in an approved layout, has been purchased by the petitioner Trust for the purpose of maintaining the same as a play ground for their students. On the complaint of the 4th respondent Association, the second respondent/the Tahsildar, Madurai North Taluk, has cancelled the patta for the said land granted in favour of the petitioner.

3. The learned counsel appearing for the petitioner submits that though the 4th respondent Association claims that it is a play ground, which is meant for the residents of the welfare association, they have not maintained the same as a play ground. There were several bushes and Prosopis juliflora trees and it is used by miscreants to do all sort of illegal activities. In order to have good atmosphere for the School, the petitioner has purchased the said land and also maintained it as a play



W.P.(MD)No.19945 of 2014

ground for the students of the School. Now, the 4th respondent Association has raised an objection that the land which has been allotted for public purpose cannot be sold to the third party. Therefore, the second respondent/Tahsildar, Madurai North Taluk, has also unilaterally cancelled the patta for the land, which was already granted in the name of the petitioner. He further submits that the petitioner Trust purchased the land from the lawful owners and based on the sale deed only, patta was granted and they undertook that they will maintain the said land as a play ground and the 4th respondent Association can also utilize the same.

4. The learned counsel for the 3rd respondent submits that the petitioner's school can use the area earmarked for public purpose as a play ground for their students.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that the 4th respondent Association has



W.P.(MD)No.19945 of 2014

filed a writ petition in W.P.(MD)No.218 of 2012 seeking a direction to the authorities to preserve the property reserved for public purpose.

This Court, by order dated 29.03.2012, has allowed the writ petition by directing the authorities to initiate appropriate proceedings to restore the plots reserved for public purpose. Pursuant to the direction of this Court, the second respondent/the Tahsildar, Madurai North Taluk, has cancelled the patta granted in favour of the petitioner Trust and therefore, there is no reason to interfere with the same.

6. This Court considered the rival submissions made and placed the materials available on record.

7. The petitioner Trust is running a School and has also purchased the adjacent land from the promoters of the layout for the purpose of maintaining the same as a play ground for their students. The subject land has already been earmarked for public purpose as a play ground. Therefore, the 4th respondent Association raised certain



W.P.(MD)No.19945 of 2014

objections and also filed a writ petition before this Court in W.P. (MD)No.218 of 2012 and pursuant to the direction of this Court, the second respondent/the Tahsildar, Madurai North Taluk, has cancelled the patta which has been granted in favour of the petitioner Trust. Since the subject land has already been earmarked for public purpose, it cannot be altered by way of a sale. Therefore, this Court is not inclined to interfere with the order of the second respondent.

8. At the time of arguments, the learned counsel appearing for the petitioner expressed his grievance that the 4th respondent Association has not maintained the land as a play ground and they have allowed the bushes to grow in that land and also allowed the miscreants to do all sort of illegal activities. In order to redress the grievance of the petitioner Trust, this Court suggested the 3rd respondent to remove the bushes and Prosopis juliflora trees and put up a fence to prevent unauthorised activities. Pursuant to the same, the 3rd respondent filed an affidavit stating that they have cleaned and removed Prosopis



W.P.(MD)No.19945 of 2014

muliflora trees grown in the play ground and they are also intending to put up fence to prevent unauthorised activities. In the said affidavit, it is also stated that the petitioner can use the play ground for their students.

9. Since the land has already been earmarked for public purpose as a play ground and the land vests with the Panchayat, it is the duty of the Panchayat to maintain the same as a play ground and it is needless to mention that the students of the petitioner School are also eligible to utilize the same for their physical activities.

10. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



W.P.(MD)No.19945 of 2014

WEB COPY

To

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsildar,
Madurai North Taluk,
Madurai.
3. The President,
Y.Othakadai Panchayat,
Madurai.
4. Neelamegam Nagar House
Owners' Association,
Neelamegam Nagar,
Y.Othakadai, Madurai North,
Madurai.



WEB COPY



W.P.(MD)No.19945 of 2014

B.PUGALENDHI, J.

ogy

W.P.(MD)No.19945 of 2014

10.04.2023