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W.P.(MD)NO.2188 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2188 of 2015 AND
M.P.(MD)No.1 of 2015

K.A.Durairaj,
President,
Balaji Nagar Veettumanai Pirivu
Makkal Munnettra Sangam,
ABM Complex, 1st Floor,
No.148-I, Periyakadai Veethi,
Thuraiyur – 621 010,
Trichy District.

... Petitioner

Vs.

1. The Commissioner,
Thuraiyur Municipality,
Thuraiyur – 621 010,
Trichy District.
2. The Chairman,
Thuraiyur Municipality,
Thuraiyur – 621 010,
Trichy District.
3. The Correspondent,
Raj Vidhya Bhavan Matriculation
Higher Secondary School,
Thuraiyur – 621 010,
Trichy District.



4. The Deputy Director of Town and Country Planning,
No.10, Williams Road,
Cantonment, Trichy – 620 001.

5. The Executive Engineer,
Public Works Department,
Water Resource, Ariyaru Vadinila Kottam,
Trichy – 620020.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 not to hand over the portion of the land bearing survey No.68/6A1 situated at Attur Road, Thuraiyur, Trichy District to an extent of 11000 sq.ft which is earmarked for park to the third respondent or any other private person and further ensure that there should not be any encroachment in the land to an extent of 11000 sq.ft earmarked for establishing park to the residents of Balaji Nagar by removing all the encroachments.

For Petitioner : Mr.V.R.Venkatesan

For R-1 & R-2 : Mr.R.Baskaran,
Senior Counsel,
for M/s.RB Law Associates.

For R-3 : Mr.H.Lakshmi Shankar

For R-4 : Mr.S.Shanmugavel,
Additional Government Pleader.

* * *

**ORDER**

WEB COPY Heard both sides.

2. The grievance of the petitioner is that the petition-mentioned park area should not be handed over to the third respondent school.

3. This prayer of the petitioner cannot be objected to. A park area in the very nature of things will have to be open to all the members of the general public. No private individual can claim ownership thereon. No kind of encroachment on a park area can be permitted. It is stated that the local body itself has agreed to maintain the park. The local body is directed to maintain the park in an appropriate condition. The service of the third respondent can be availed by the local body for maintenance and for the benefit of everybody. If there is any encroachment in the park area, it shall be removed. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



To:

1. The Commissioner,
Thuraiyur Municipality,
Thuraiyur – 621 010,
Trichy District.
2. The Chairman,
Thuraiyur Municipality,
Thuraiyur – 621 010,
Trichy District.
3. The Deputy Director of Town and Country Planning,
No.10, Williams Road,
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WEB COPY



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G.R.SWAMINATHAN,J.

PMU

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