



W.P(MD)No.24757 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.24757 of 2016
and
W.M.P(MD)No.17895 of 2016**

AIBEA Nagar (Paravai) Residents' Welfare Association,
Represented by its Secretary, Mr.K.Alagarsamy,
Plot No.396, AIBEA Nagar, B Colony, Paravai,
Madurai District.

... Petitioner

-VS-

1. The District Collector,
Madurai District,
Madurai.

2. The Assistant Director of Town Panchayats,
District Collectorate Complex,
Madurai.

3. Paravai Selection Grade Town Panchayat,
Paravai, Madurai District,
Represented by its Executive Officer.

4. Madurai Ramanathapuram District Bank
Employees' Union, Rep. by its General
Secretary, Mr.M.Sundararajan,
42B, Parvana Illam,
South Masi Street,
Madurai.

5. S.Karthickraja ... Respondents
(R5 is impleaded vide Court order dated 05.07.2021 in W.M.P(MD)No.
16353 of 2020)



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to Resolution No.105 dated 15.7.98 passed by the Paravai Town Panchayat in its emergency council meeting at the instance of the 4th respondent to convert the land area earmarked for School in Lay Out Approval No.267/5/85 dated 7.5.85 into Community Hall and the area earmarked for community hall in Lay Out Approval No. 267/4/85 dated 7.5.85 into house sites and quash the same and consequently direct the 3rd and 4th respondents to ensure the handing over of the areas earmarked for public purpose in the approved lay out by executing registered gift deeds, particularly in respect of the community hall to the extent of 19958 sq ft., located in R.S.No.160/2 and R.S.No.160/2A in Paravai 1st Revenue Bit, Madurai North Taluk, Madurai North Registration District covered under the approved Lay Out No.267/4/85 dated 7.8.85.

For Petitioner	: Mr.N.Dilip Kumar
For R1 & R2	: Mr.P.Thilakkumar Government Pleader
For R4	: Mr.T.Lajapathi Roy, Senior Counsel for M/s.Lajapathiroy and Associates
For R5	: Mr.C.Kalaiarasu

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This writ petition is for issuance of a Writ of Certiorarified Mandamus to quash the Resolution No.105 dated 15.7.98 passed by the Paravai Town Panchayat in its emergency council meeting to



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convert the land area earmarked for school in lay out approval No. 267/5/85 dated 7.5.85 into community hall and the area earmarked for community hall in lay out approval No.267/4/85 dated 7.5.85 into house sites and for a consequential direction to the respondents 3 and 4 to ensure handing over of the areas earmarked for public purpose in the approved lay out by executing registered gift deeds, particularly in respect of the community hall to an extent of 19958 sq ft., located in R.S.No.160/2 and R.S.No.160/2A in Paravai 1st Revenue Bit, Madurai North Taluk, Madurai North Registration District covered under the approved Lay Out No.267/4/85 dated 7.8.85.

2. On the admitted facts, it is seen that the 4th respondent promoted a lay out and the members of the petitioner's association have all purchased plots. It is stated that one of the areas reserved for public purpose namely, for establishing a community hall as shown in the lay out, has now been sought to be converted as saleable plot. Stating that the 3rd respondent Town Panchayat failed to protect the petitioner's interest, the above writ petition is filed.

3. The learned counsel for the 4th respondent promoter has given an undertaking before this Court that they will not touch any portion of the land reserved for community hall or for any other public



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purpose. In other words, the undertaking is specific that they will not indulge in any sale of the plot in respect of any portion of the lay out which is reserved for community hall or for public purpose.

4. In view of the aforesaid undertaking of the 4th respondent, this Court finds that no further adjudication is necessary. Recording the same, the Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
09.08.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
Madurai District,
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2. The Assistant Director of Town Panchayats,
District Collectorate Complex,
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3. The Executive Officer,
Paravai Selection Grade Town Panchayat,
Paravai,
Madurai District.



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