



WEB COPY

W.P.No.930 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.930 of 2021

&

W.M.P.No.17275 of 2021

in

W.P.No.930 of 2021

Cuddalore Thirupathirupuliyur Kesava Nagar
Residences Welfare Association
A Registered Society
Registered No.69/2020
Rep. by its Secretary D.Kannna
No.19/10, T.S.No.1260/1, Ward No.5
Block No.35, Kesava Nagar
Thirupapuliyur
Cuddalore Town & Taluk
Cuddalore

... Petitioner

Vs.

1. The District Collector
Cuddalore District
Cuddalore

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2. The Commissioner
Cuddalore Municipality
Cuddalore
 3. The Member Secretary (i/c)
Cuddalore Local Planning Authority
No.6/4, Srinivasa Pillai Street
Pudupalayam
Cuddalore - 607 001
 4. V.P.S.Ganesan
 5. A.M.Agastia Bharathy
 6. Lalitha
 7. The Government of Tamil Nadu
Represented by
the Principal Secretary to Government,
Municipal Administration and Water Supply Department
Secretariat, Chennai - 600 009
 8. The Commissioner of Municipal Administration
Commissioner of Municipal Administration,
11th Floor, Urban Administrative Blog (Opp. CIBA Building)
No.75, Santhome High Road
M.R.C. Nagar
Raja Annamalaipuram
Chennai - 600 028
- ... Respondents

**(R7, R8 suo motu impleaded vide order
dated 19.01.2021 made in W.P.No.930 of 2021)**

Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Mandamus, directing respondents 1 to 3 to remove the illegal encroachments made by respondents 4 to 6 in the Petitioner Association's Children Play Space area situate in North East portion of T.S.No.1260/1, Ward No.5, Block No.35, Kesava Nagar, Thirupapuliyur, Cuddalore Town & Taluk, Cuddalore.

For Petitioner : Mr.P.Dinesh Kumar
For Respondents : Mr.T.K.S.Saravanan
Government Advocate
for R1, R7 and R8
No Appearance for R2, 3, 4, 5 and 6

ORDER

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

This common order will govern the captioned main 'Writ Petition' ['WP' for the sake of brevity] and 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity] thereat.

2. A terse order will suffice as we are informed by Mr.P.Dinesh Kumar, learned counsel on record for writ petitioner that there is a happy ending to the matter.

3. To be noted, Mr.T.K.Saravanan, learned Government Advocate is before us for R1, R7 and R8. Presence of R2 [Commissioner of Cuddalore Municipality], R3 [Member Secretary of Cuddalore Local Planning



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Authority] as well as R4 to R6 (private respondents) really does not matter as learned counsel for writ petitioner very fairly submits that pursuant to earlier proceedings made by previous predecessor Hon'ble Division Benches, the encroachments have since been removed and the children play space area is now being maintained by the writ petitioner but vests with the Municipality. Learned counsel also fairly submitted that a closure can be given to the matter.

4. Captioned WP is disposed of as closed recording the aforementioned stated position of the writ petitioner but we make it clear that the rights of the writ petitioner and/or any one concerned with the matter stands preserved for coming to this Court on the same issue, if there is any change of circumstances. Consequently, W.M.P.No.17275 of 2021 is closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)

05.07.2024

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

gpa

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Cuddalore District
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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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