



W.P.No.6543 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6543 of 2019

M/s.Poonga Nagar Goldsmith/Silversmith
Welfare Association,
Rep. By its President D.Jeyagopi,
Chennai – 3.

.. Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai – 3.

2.The Assistant Engineer,
Corporation of Chennai,
Division No.59, Zone V,
Chennai – 79.

3.The Commissioner of Police,
Vepery, Chennai – 7.

4.The Inspector of Police,
C2 Police Station,
Esplanade,
Chennai – 108.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to forbear the



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respondents 1 and 2 from in any manner interfering with the usage of the vehicle parking stand by the members of the petitioner's association situated at Edpalayam Street, Ward 59, Zone V, Poonga Nagar, Chennai-3, and converting from vehicle parking purpose to any other purpose.

For Petitioner : Mr.M.Baskar

For R1 & R2 : Mr.S.Gopinathan, Standing Counsel

For R3 & R4 : Mr.S.Arumugam, GA

ORDER

The writ petition has been filed seeking to forbear the respondents 1 and 2 from interfering with the usage of the vehicle parking stand by the members of the petitioner's association situated at Edpalayam Street, Ward 59, Zone V, Poonga Nagar, Chennai-3, and converting the same to any other purpose.

2. The petitioner association is situated in Harbour constituency consisting of Edapalayam street, Hanumantharayan street, Nanniyan street, Singannan Street, Elakandappan street and Krishnappa maistry street. The workers/employees engaged in gold and silver ornaments have been parking their vehicle in the pavement of those streets.



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Therefore, there was no free ingress and egress to the general public to use streets of those areas. In Edapalayam street, there is a public park maintained by the respondents and 2, however, it was used by the general public. Therefore, the respondents 1 and 2 had permitted the members of the petitioner association to use the said park for parking their vehicle. While being so, now, all of a sudden, the respondents 1 and 2 are restraining the general public to park their vehicle and they are trying to convert the said park for different purpose.

3. On perusal of the counter affidavit filed by the second respondent and after hearing the submissions of the learned standing counsel for the respondents 1 and 2, it is revealed that the subject land comprised in Survey No.8935, Block No.75, George Town Village, measuring to an extent of 5 grounds and 584 sq.ft. belongs to the Corporation of Chennai. Earlier, in the said place, there was a school building in dilapidated condition and in the year 2003, the said building was demolished, and after that, some miscreants had attempted to grab the said land. Therefore, to avoid encroachment, the said land was converted into a Park, which is being used by the residents of that locality for walk and other physical activities. While being so, based on the



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representation submitted by the petitioner association, they were permitted to use the said Park for parking vehicle. However, due to several complaints from the residents of that locality to have more open space in the said locality for Park and children play area, the respondents 1 and 2 converted the land in question as Park and it is being used by the general public residing in that vicinity.

4. While such being the factual position, the prayer of the petitioner association to forbear the respondents 1 and 2 from interfering with their usage of the land in question for parking their vehicle cannot be considered and accordingly, the writ petition is dismissed as devoid of any merit. No Costs. W.M.P.No.7361 of 2019 is closed.

09.09.2024

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To

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Chennai – 3.
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G.K.ILANTHIRAIYAN, J.



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