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W.P.No.8268 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8268 of 2018
W.M.P.Nos.10233 & 10234 of 2018

Thiruvalluvar Nagar Residents' Society,
Rep. by its President S.P.Sivaperumal,
Thiruvalluvar Nagar,
Seriyanman Koil Street,
Tondiarpet, Chennai – 600 081.

...Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
2. The Divisional Officer,
Corporation of Chennai,
Division No.4, No.276,
Thiruvottiyur High Road,
Chennai – 600 021.
3. The Tamil Nadu Housing Board,
Rep. by its Chairman and Managing Director,
Nandanam, Chennai – 600 005.
4. The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from putting or blocking the ingress and egress of the petitioner's society members and their family members from using the open space as their play ground which was allotted by the third respondent to the petitioner society.

For Petitioner : Mr.R.Karunakaran
For Respondents
For R1 & R2 : Mr.A.C.Manibharathi
Standing Counsel
For R3 : Mr.D.Veerasekaran
Standing Counsel
For R4 : Mr.S.Karthikeyan

ORDER

This writ petition has been filed for forbearing the respondents 1 and 2 from putting or blocking the ingress and egress of the petitioner's society members and their family members from using the open space as their play ground.

2. The petitioner society's members had allotted and purchased their respective plots from the Tamil Nadu Housing Board during the period from 1979 to 1981. Thereafter, they have vested with powers for maintenance of entire flats viz., supply of water, electricity connection, maintenance of drainage related works, to keep the entire atmosphere in clean and hygienic condition. While forming the scheme, certain area has



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been earmarked for roads, open space area and park. In the open space area, the petitioner society's members are using the same as play ground. While being so, the respondents 1 & 2 are attempted to put up construction thereby blocked the ingress and egress of the petitioner's members from using the open space area as play ground. Hence the petitioner society filed the present writ petition with the above prayer.

3. The learned Standing Counsel appearing for the respondents submitted that in order to form a park, they are awarding funds. Further in order to protect the open space area from the encroachers, they were not allowed them into the open space area.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Admittedly, the open space area was earmarked for common purpose such as park etc. Therefore, the respondents 1 & 2 cannot put up any obstruction blocking the ingress and egress for the petitioner's use. Considering the above facts and circumstances, the respondents can form a park in the open space area without obstructing the ingress and egress



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of the petitioner's members to use the open space area.

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6. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are also closed. There shall be no order as to costs.

19.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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