



W.P.No.4777 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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Prithivipakkam Colony Residents Welfare Association
No.7, West Park Road, Prithivipakkam
Ambattur, Chennai – 600 053
rep by its Authorised Person and
Hony Secretary, P.Shanmugam

.. Petitioner

Vs

- 1 The Commissioner
Corporation of Chennai
Ribbon Building
Chennai – 600 003.
- 2 Life Insurance Corporation of India
rep by its Secretary (Estate Southern Zonal Office)
LIC Building Anna Salai
Chennai – 600 002.
- 3 The Area Engineer
Zone-7 Corporation of Chennai
Ambattur, Chennai – 600 053.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to develop and manage the OSR land in S.No.659/1A1A, 658, 660/



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2A1A1A1A1A1, 661/1A1 and 662/1A1A which was earmarked as park area for the safety and security of the public utility and also maintain the park area by providing necessary amenities and facilities which are provided to the other parks which are under the control of 1st respondent herein by considering representations of the petitioner dated 28.09.2015 and 31.1.2019.

For the Petitioner : Mr.V.Neethidurai

For the Respondents : Mr.Manoj Sreevalsan
for 2nd respondent

: Mr.A.C.Mani Bharathi
for respondents 1 and 3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.V.Neethidurai, learned counsel for the petitioner;
Mr.Manoj Sreevalsan, learned counsel for the second respondent;
and Mr.A.C.Mani Bharathi, learned counsel for respondents 1 and 3.

2. The writ petition is filed seeking directions to develop and maintain the park area by providing necessary amenities and



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facilities that are provided to other parks.

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3. It is the contention of learned counsel for the petitioner that unapproved layout was prepared by the second respondent and the plots were sold. The members of the petitioner association purchased the plots in the unapproved layout area. The area shown as park is not developed.

4. In fact, there cannot be a sale of unapproved layout plots. The area, which, according to the petitioner, is earmarked for park is not handed over to the panchayat or planning authority by executing any instrument. The regularisation of the unapproved plots has to take place in accordance with the Tamil Nadu Regularisation of Unapproved Plots and Layouts Rules, 2017. The notification was also issued by the Housing and Urban Development Department vide G.O.Ms.No.78, dated 4.5.2017. The consequences of non-regularisation are also provided therein.

5. As it is not a case of an approved layout, the directions



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cannot be issued with regard to any property in the layout.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

23.04.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD,J.

(sasi)

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