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W.P.No.25014 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

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

W.P.No.25014 of 2015 and
MP.No.1 of 2015

M/s.Padmashree Educational Trust,
Rep. By its Managing Trustee,
N.Ravishankar,
No.34, Redhills Road,
Lakshmipuram, Kolathur,
Chennai 600 099

... Petitioner

Vs.

- 1.The Director of Town & Country Planning,
Anna Salai, Chennai 600 002
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai 600 003
- 3.District Revenue Officer/
The Zonal Officer,
Corporation of Chennai,
Zone-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai 600 091
- 4.The Assistant Engineer,
Corporation of Chennai,
Ward No.169, Division No.42,
Zone-14,
No.6/64, Puzhuthivakkam Main Road,
Puzhuthivakkam, Chennai 600 091

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for records of the 3rd Respondent letter No. Z.O.XIV. C.No.A1/3343 dated 22.05.2015 and quash the same and forbearing the Respondents from interfering with the peaceful possession and enjoyment of the Petitioner's property viz. vacant land measuring to an extent of 9646 sq.ft. out of 13650 sq.ft. comprised in Survey No.225/part, New Survey No.225/2A1B & 225/30 situated in Madipakkam Madura Puzhuthivakkam Village, Sarathy Nagar 2nd Main Road as per Document Sarathy Nagar Main Road, presently known as Sarathy Nagar 2nd Street, Tambaram Taluk, Kancheepuram District within the local limits of Chennai Corporation.

For Petitioner : Mr.P.Giridharan

For Respondents

For R1 : Mr.V.Manoharan,
Additional Government Pleader

For R2 to 4 : Mr.D.B.R.Prabhu,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 22.05.2015 thereby rejected the request



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made by the petitioner to remove the name board as 'Sarathy Nagar Park' to be put up in the land comprised in Survey No.225/part, New Survey No.225/2A1B & 225/30 admeasuring 9646 sq.ft. situated at Madipakkam Madura Puzhuthivakkam Village, Sarathy Nagar 2nd Main Road, Tambaram Taluk, Kanchipuram District.

2. The case of the petitioner is that the petitioner-Trust owns vacant land admeasuring to an extent of 9646 sq.ft. out of 13650 sq.ft. comprised in Survey No.225/part, New Survey No.225/2A1B & 225/30 admeasuring 9646 sq.ft. situated at Madipakkam Madura Puzhuthivakkam Village, Sarathy Nagar 2nd Main Road, Tambaram Taluk, Kanchipuram District. It was originally gifted by one, V.Paranthaman to the petitioner by the registered document vide document No.140 of 2014 dated 09.01.2014. The petitioner was also issued patta in pursuant to the registered deed under patta No.13127. While being so, in the month of November 2014, the name board was put up at the boundary of southern side of the petitioner's property as 'Chennai Corporation Sarathy Nagar Park'. The purchasers of the above



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said land including the subject land admeasuring 3.32 acres laid out the same into house plots. The layout was approved by the planning authority vide DDTP approved layout No.14/74 consisting of house plots 1 to 35. In the said layout, the vacant land admeasuring 13650 sq.ft. in survey no.225/part was retained by the promoter.

2.1 After obtaining patta, it was settled in favour of one, Hemalatha by way of settlement deed dated 04.10.2004 registered vide document No.4730 of 2004. In turn, the said Hemalatha executed sale deed in favour of one, V.Paranthaman by the sale deed vide document No.3738 of 2005 dated 31.08.2005. After purchase, he obtained patta and thereafter donated the said land in favour of the petitioner by the gift deed dated 09.01.2014. On the information obtained under Right to Information Act, it is revealed that the third respondent had furnished 19 number of parks situated at Ullagaram, Puzhuthivakkam. It was taken over by the Corporation in the year 2011. Accordingly, the extent of the land for park at Sarathi Nagar was handed over in favour of the local authority to an extent of 1200 sq.ft. Therefore, the subject land was not



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earmarked for park and as such, it was purchased and gifted in favour of the petitioner. While being so, the third and fourth respondents had put up the board in the subject property mentioning as park. Therefore, the petitioner approached this Court in WP.No.5557 of 2015 and this Court directed the petitioner to submit representation and ordered that the same may be considered on merits and in accordance with law after giving opportunity of hearing. Accordingly, the petitioner submitted representation, however the same has been rejected by the third respondent by order dated 22.05.2015, which is challenged in this writ petition.

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

4. On perusal of the counter filed by the third respondent and on hearing the submissions of the learned Standing Counsel appearing for the respondents 2 to 4, revealed that the erstwhile Ullagaram-Puzhudhivakkam Municipality merged with Corporation of Chennai on



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24.10.2011 at the time of merging the Sarathy Nagar Park in one of the park land handed over to the Corporation of Chennai and it has been kept vacant. The said land was earmarked for park as per the lay out in survey No.225/1,2,3 of Madipakkam Village as per approval vide LPDM/DDTPNo.14/1974. The layout consists of 35 house plots and the boundaries of the disputed land are bounded on the east by plot Nos.13 & 21, bounded on the west by Murugappa nagar, bounded on the south by 30 feet road and bounded on the north by 20 feet road. The land originally earmarked for park as per the layout was gifted by the developer i.e. V.Parthasarathy Naicker by way of settlement deed in favour of his granddaughter Hemalatha. In turn, she executed sale deed in favour of one, V.Paranthaman. Thereafter, the said Paranthaman gifted the subject land in favour of the petitioner to an extent of 9646 sq.ft. out of 13650 sq.ft. Thus, it is clear that all the documents are registered over a land which is earmarked as park by a competent authority while approving the layout. In view of the law laid down by the Hon'ble Supreme Court of India, the original owner of the layout land on reservation of portion of the layout land for public purpose ceased to be



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its owner and becomes the trustee of the said portion of the land reserved for public purpose and he is expected to hold it for the benefit of other plot owners in the lay out. Therefore, the place which was earmarked for park or common purpose in the layout approval cannot be used for other purpose.

5. In view of the above, this Court finds no infirmity or illegality in the impugned order passed by the third respondent. As such, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. Therefore, the second respondent can deal with the above said property by forming a park for the purpose of general public. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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