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W.P.No.6944 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.6944 of 2021
and WMP No.7494 of 2021**

S.R.P.Colony Nalasangam
Rep.by its President
VI Street, S.R.P.Colony
Peravallur
Chennai 600 082.

.... Petitioner

-Vs-

1.The Commissioner
Chennai Corporation
Chennai.

2.Zonal Officer
Zone-VI
Corporation of Greater Chennai
No.5, Anderson Street
Ayanavaram, Chennai 600 023.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the proceedings under MA.A.6. Na.Ka.No./Special/2020 dated 9.12.2020 on the file of the second respondent, pertaining to the issue of Open Site Reservation Area (Play Ground) situated in the VI Street, S.R.P.Colony, Peravallur, Chennai 600 082, quash the same.



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For Petitioner : Mr.C.D.Sugumar

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel

ORDER

The Writ Petition has been filed by S.R.P.Colony Nalasangam, which is functioning at VI Street in S.R.P.Colony in Peravallur in Chennai-600 082, in the nature of a Certiorari seeking records of the proceedings dated 09.12.2020 of the 2nd respondent, Zonal Officer, Zone-VI, Corporation of Greater Chennai at Ayanavaram at Chennai, relating to the Open Site Reservation Area (Play Ground) at VI Street, S.R.P.Colony at Peravallur in Chennai-600 082 and quash the said proceedings.

2.In the affidavit filed in support of the writ petition, it had been stated that the Open Site Reservation Area (Playground) at 6th Street in S.R.P. Colony in Peravallur in Chennai-600 082 originally formed part of land belonging to an Housing Society called Sundaraja Perumal Co-operative Housing Society formed in the year 1962 for allotting of housing plots to its members.



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3. It had been stated that the said land had been reserved for the use of the members of the Society. It had been further stated that there were several attempts to encroach upon the said playground. Thereafter, the petitioner Association was formed in the year 2013. It had been contended that the petitioner Association had been maintaining the Park continuously for the benefit of members of the Society and also the residents of that particular area. It had been stated that the 2nd respondent, Zonal Officer, Zone-VI, Corporation of Greater Chennai at Ayanavaram had sent a communication dated 09.12.2020 that the administration of that Park will be taken over by the Chennai Corporation and that the Commissioner, Chennai Corporation had granted approval on 15.09.2020. The petitioner had questioned the said communication on the ground that prior notice was not issued either to the President of the petitioner Association or to any other individual member. It had therefore been contended that without following principles of natural justice, the communication had been issued. The writ petition has therefore been filed in the nature of Certiorari questioning such communication.

4. A counter affidavit had been filed on behalf of the respondents, wherein it had been stated that the land which totally measures 2350 sq.mtrs has been



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categorized as Park and children Playground at the time of forming of the layout in the year 1962. It had therefore been contended that the nature of the land cannot be altered and that the petitioner cannot claim exclusive right of the same. It is to be used for the general public for Park and also for the children Playground. In order to augment the income, the respondents had issued an open tender for operation and maintenance of the existing Badminton Court for two years at S.R.P.Colony, VI Street, Peravallur in Division-68, Zone-6 on revenue sharing mode. It had been stated that one R.Ravichandran at Madhavaram in Chennai had been declared as a successful bidder and he had been handed over possession of the Park and children Playground. He is also maintaining the Badminton Court in that particular place. It had been stated that an agreement had also been executed on 14.03.2024 and an annual amount of Rs.1,52,250/- which has to be paid by him apart from GST. The tenure ends on 13.03.2026.

5.It had been contended that since it is a children Park, children Playground, the Corporation has prerogative of utilizing the same for the purpose of use by general public and that the petitioner need not be put on notice of the same. It had been stated that the members of the petitioner Nalasangam can also use the same subject to the conditions as imposed on R.Ravichandran the



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successful bidder. It is also evident that since it is an open bid, the petitioner can also participate on the same on 13.03.2026 and when the tenure of R.Ravichandran ends, and the respondents take a decision to bring up the issue for open auction. That right of the petitioner cannot be denied or disputed. But they will have to consider and decide to participate in the auction and seek to maintain the existing Badminton Court and also the Park and children Playground. Giving that particular liberty to the petitioner herein the impugned order stands. It is not interfered with but opportunity is granted to the petitioner.

6.Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

Index : Yes/No

NCS : Yes/No

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C.V.KARTHIKEYAN.,J
KP

To

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