



WEB COPY



W.P.No.10696 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM:

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

W.P.No.10696 of 2019
and
W.M.P.No.11174 of 2019

C.Aruna

.... Petitioner

Vs

1.The Director,
Tamil Nadu and Country Planning,
807 4th Floor, Anna Salai,
Chennai – 2.

2.The Deputy Director,
Tamil Nadu Town and Country Planning,
Chengalpattu Zone,
124 GST Road, Chingleput I,
Kancheepuram District.

3.The Residents of Thirupathinagar Welfare Association,
Rep. by its President C.Radhakrishnan,
No. 36, Old No. 4, First Main Road,
Thirupathi Nagar, Chennai – 99

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from mentioning the Plot Nos. 55 to 58 belonging to the petitioner property as school playground mentioned in the DTP



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Layout No. 220 of 1973 and consequently directing the 1st and 2nd respondents to cancel the Plot No. 55 to 58 under DTP Layout No. 220 of 1973 issued by 2nd respondent.

For Petitioner	: Mr.K.Nagarajan
For R1 & R2	: Mr.C.Kathiravan Special Government Pleader
For R3	: Mr.C.Shankar

ORDER

This writ petition has been filed seeking a direction to forbear the respondents 1 and 2 from mentioning the Plot Nos. 55 to 58, owned by the petitioner, as school play ground, as mentioned in the DTP Layout No. 220 of 1973.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner purchased the property comprised in paimash No.173, Old Survey No.128/6, Old TS 110, New TS 110 Block 38 situated at Kolathur Village, Perambur, Purasawalkam Taluk, by a registered sale deed dated 16.07.2007 vide document No.6629 of 2007 admeasuring 7140 sq.ft. While being so, the respondents claimed the said property as a school play ground as per the DTP layout approval



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No.220 of 1973. In this regard, several suits have been filed, which are pending.

4. A perusal of the records reveals that the petitioner's request for the cancellation of the open space reservation as a play ground and its conversion into the house plot was already rejected by an order dated 04.05.2017. Without even challenging the said order, now the petitioner is now seeking a direction forbearing the respondents from claiming the subject property as a play ground as per the approved layout.

5. That apart, a counter filed by the second respondent also reveals that the third respondent filed a suit in O.S.No.2834 of 1998 as against the Commissioner of Corporation, Chennai, before the XII Assistant City Civil Court, Chennai, in which the second respondent was also impleaded as a party. Subsequently, the third respondent filed a suit as against the petitioner for permanent injunction before the I Assistant City Civil Court, Chennai. The documents, which were produced in the suit, reveals that the owner Visalam Traders, viz, Visalakshi Ammal,



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made a representation to the President of Kolathur Panchayat Council and Commissioner of Villivakkam Municipality to approve the plot and the President issued approval DTP No.220 of 1973. However, no documents have been registered in respect of the plot No.s 55 to 58 by the said Visalam Traders. Now, based on the sale deed, the petitioner is claiming ownership of the subject property, though the plot Nos. 55 to 58, as per the layout, are mentioned as a play ground.

6. The second respondent, after receiving the application for approval of the layout, followed the due procedure, verified the documents and after following due process of law, granted technical clearance of the layout and directed the concerned local body authorities to issue approval of the concern layout after following due process of law. Therefore, after the approval of the layout, the local body is responsible for maintaining the open space reservation land for common use within the layout. The subject land in the layout now falls under the jurisdiction of the Chennai Metropolitan Development Authority and is maintained by them.



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7. In view of the above, the prayer sought for in this writ petition cannot be considered. Thus, the writ petition lacks merit and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

30.10.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1.The Director,
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2.The Deputy Director,
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G.K.ILANTHIRAIYAN. J,

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