



W.P.Nos.13760 and 17625 of 2024 and 23323 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM:

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

W.P.Nos.13760, 17625 of 2024 and 23323 of 2014
and W.M.P.Nos.14919 and 14922 of 2024
and M.P.Nos.2 of 2014 and 1 of 2015

W.P.No.13760 of 2024:-

M.P.S Residents Welfare Association,
Rep. By Its Secretary,
Plot No.62, Shanthinekatan Nagar,
Ramalingam 3rd Street,
Thoraipakkam, Chennai 600 097.

... Petitioner

-Vs-

1. The Commissioner,
Corporation Of Chennai,
Chennai 600 003.
2. Executive Engineer,
Ward No.193, Zone XV,
Corporation Of Chennai,
Sholinganallur, Chennai 600 119.
3. CMDA, By Its Member Secretary,
Talamuthu Natrajan Building,
Egmore, Chennai 600 008.



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4. The Collector,
Kancheepuram, Kancheepuram District.

5. The Tahsildhar,
Sholinganallur, Chennai 600 119.

6. Assistant Commissioner,
J-9 Police Station,
Toraipakkam, Chennai 600 097.

7. Director Of Town Planning,
807, Anna Salai, Chennai 600 002.

8. Dy. Director Of Town Planning,
No.3, Varadarajan Street,
Vedachalam Nagar, Chengalpattu.

9. The Sub Registrar,
Office of The Sub Registrar,
2/71, 1st Floor,
Kajera Garden 2nd Street,
Neelankaran, ECR, Chennai 600 115.

10. N. Ayyadurai

11. S.V.Srinivasan

12. M.Manikandan Lakshmanan ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbear the respondents 1 to 9 at the instance of respondents 10 to 12 from converting the OSR land and 30' Road on the Western side of Plot No.14 and 55 and on the Eastern side of Plot Nos.15 and 54 and Plot Nos.7 and 61 in Mangalapuri



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approved layout bearing DTP No.136/75, allegedly claimed as Plot No.7-A, 61-A, 14-A, 14-B and 54-A, 54-B at Thoraipakkam, Chennai 600 097.

For Petitioner	: Mrs. V.J.Latha
For R1 and R2	: Mr.G.T.Subramanian Standing Counsel
For R3	: Mrs.P.Veena Suresh Standing Counsel
For R4 to R9	: Mr.V.Manoharan Additional Government Pleader
For R10 and R11	: Mr.G.V.Sridharan
For R12	: Mr.D.Clinton Chandrasekar

W.P.No.17625 of 2024:-

L.Manikandan

... Petitioner

-Vs-

1. The Commissioner Greater Chennai Corporation ,
Ribbon Building,
Chennai 600 003.
2. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Dr. Muthulakshmi Road,
Adyar, Chennai 600 020.
3. The Assistant Commissioner,
Zone 15,
Greater Chennai Corporation, Sholinganallur,
Chennai 600 117.
4. The Special Tahsildar,
Land Estate Department,
Greater Chennai Corporation,



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Adayar, Chennai 600 020.

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5. M.P.S Residents Welfare Association,
Rep. By Its Secretary,
Plot No.62, Shanthinekatan Nagar,
Ramalingam 3rd Street,
Thoraipakkam, Chennai 600 097.
(R5 impleaded as per order
dated 05.09.2024 in
W.M.P.No.21374 of 2024
in W.P.No.17625 of 2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to consider the representation dated 24.04.2024, requesting the respondents to remove the board affixed in Plot No.54-A, New Survey No.406/258, Okkiyam Thuraipakkam Village, Sholinganalur Taluk, Chennai District, land measuring an extent of 2888 sq.ft and not to interfere with the peaceful possession of the petitioner except due process of law, within the stipulated time.

For Petitioner	: Ms.E.Yakshitha for Mr.G.M.Gokulram
For R1 to R4	: Mr.G.T.Subramanian Standing Counsel
For R5	: Mrs.V.J.Latha

W.P.No.23323 of 2014:-

M.P.S Residents Welfare Association,
Rep. By Its Secretary,
Plot No.68, PVS Nagar,
Ramalingam 3rd Main Road,
Thoraipakkam, Chennai 600 097.

... Petitioner



W.P.Nos.13760 and 17625 of 2024 and 23323 of 2014

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-Vs-

1. The Director,
The Tamilnadu Town and Country Planning,
807, Anna Salai, Chennai-600 002.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
3. The Deputy Director,
The Tamilnadu Town and Country Planning,
No.3, Varadarajanar Street,
Vedachalam Nagar, Chengalpattu.
4. The Deputy Director,
St. Thomas Mount Panchayat Union,
Chitlapakkam, St.Thomas Mount,
Chennai-600 044.
5. S.S.Grand Home,
rep. by its Proprietor,
3rd Floor, SRK Building,
No.32, East Jones Road,
Saidapet, Chennai-15
6. M/s.Vijai Shanker Builders,
rep. by Proprietor,
P.Vijai Shankar

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 4th respondent made in approved Plan No.1935 of 2010 and quash the order passed therein and



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direct the respondents herein to maintain the OSR reserved for public purpose by maintaining a park in Mangalapuri Layout, between plot Nos.14, 15 and 54, 55 at 148 S.No.406/3B as per patta S.No.406/274, 1st Street, Mangalapuri Layout, Mangalambikai Nagar, Okkiyam Thoraipakkam Village, Sholinganallur Taluk, Kancheepuram District.

For Petitioner	: Mrs.V.J.Latha
For R1 and R3	: Mr.V.Manoharan Additional Government Pleader
For R2	: Mr.G.T.Subramanian Standing Counsel
R4	: Dismissed vide order dated 17.08.2015
For R5	: Mr.C.Santhosh Kumar
For R6	: Mr.D.Velu

COMMON ORDER

W.P.No.23323 of 2014 has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 4th respondent made in approved Plan No.1935 of 2010 and quash the order passed therein and direct the respondents herein to maintain the OSR reserved for public purpose by maintaining a park in Mangalapuri Layout, between plot Nos.14, 15 and 54, 55 at 148 S.No.406/3B as per patta S.No.406/274, 1st Street, Mangalapuri Layout, Mangalambikai Nagar, Okkiyam Thoraipakkam Village, Sholinganallur Taluk, Kancheepuram District.



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2. W.P.No.13760 of 2024 has been filed forbearing the respondents 1 to 9 at the instance of respondents 10 to 12 from converting the OSR land and 30' Road on the Western side of Plot Nos.14 and 55 and on the Eastern side of Plot Nos.15 and 54 and Plot Nos.7 and 61 in Mangalapuri approved layout bearing DTP No.136/75, allegedly claimed as Plot No.7-A, 61-A, 14-A, 14-B and 54-A, 54-B at Thoraipakkam, Chennai 600 097.

3. The petitioner in W.P.No.13760 of 2024 and W.P.No.23323 of 2014 is one and the same. The petitioner in W.P.No.23323 of 2014 filed the writ petition in W.P.No.13760 of 2024 for the very same property.

4. The person who purchased Plot No.54A filed writ petition in W.P.No.17625 of 2024 for direction directing the respondents to consider the representation dated 24.04.2024 seeking to remove the board affixed in Plot No.54-A, New Survey No.406/258, Okkiyam Thuraipakkam Village, Sholinganalur Taluk, Chennai District, land ad-measuring 2888 sq.ft and not to interfere with the peaceful possession of the petitioner.



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5. In all the writ petitions, the subject property is one and the same.

Therefore, this Court is inclined to pass common order.

6. The petitioner in W.P.No.13760 of 2024 and W.P.No.23323 of 2014 is an Association consisting of the residents of Mangalapuri layouts. There were three contiguous layouts viz., Shanthi Nekethan, PVS Nagar and Mangalapuri layout. The total extent of the land ad-measuring 6.07 acres were developed into house sites with 68 plots in respect of Mangalapuri layouts with four 30' roads in between the plots and also with an open space measuring four grounds for public purpose such as park, community hall etc.,. The said layout was approved by the fourth respondent. The open space area was also gifted in favour of the local body. The OSR land is situated in plot numbers 14, 55, 15 and 54. On the western side of the open space there is a 30" ft road abutting plot nos.14 and 55 and on the eastern side there is a 30" ft road abutting plot nos.15 and 54. The layout was approved as per the rules and regulations of the Tamil Nadu Town and Country Planning Act and District Municipalities Act. The said layouts were formed in the year 1974-75 by



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the layout approval nos.34/74 and 136/75 respectively. PVS Nagar layout is situated in between the said two layout.

7. While being so, 10th and 11th respondents in W.P.No.13760 of 2024 had purchased part of the area which was earmarked for common purpose as OSR land. In turn, the 12th respondent in W.P.No.13760 of 2024 had purchased the said property from the 10th and 11th respondents in W.P.No.13760 of 2024. They also encroached the road situated adjacent to the OSR land. Therefore, the petitioner submitted a detailed representation. The purchaser of the plot mortgaged the said property with the Central Bank of India and availed loan. However, the said borrower committed default and the subject plot was brought into auction sale, in which the respondents 10 and 11 in W.P.No.13760 of 2024 had purchased the said Plot No.54A. In turn, the 12th respondent in W.P.No.13760 of 2024 purchased the said plot from the respondents 10 and 11 in W.P.No.13760 of 2024.



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8. The 12th respondent in W.P.No.13760 of 2024 filed writ petition in W.P.No.17625 of 2024 for direction directing the respondents to consider the representation dated 24.04.2024 seeking to remove the board affixed in the subject property and not to interfere with the peaceful possession of the petitioner in W.P.No.17625 of 2024.

9. According to the 12th respondent in W.P.No.13760 of 2024, one S.Rajmohan originally purchased the said plot by the registered sale deed dated 15.06.2011 vide Document No.3616 of 2011 from one K.R.Chandrasekaran. The said plot was originally sold out by one P.T.Seenuvasan in favour of one K.Sahasranaman by the registered sale deed dated 19.08.1983 vide Document No.2383 of 1983. In turn, he sold out the said property in favour of one Neelam P Dave by the registered sale deed dated 21.03.1991 vide Document No.1028 of 1991. In turn, she sold out the property in favour of the said K.R.Chandrasekaran. As far as the 10th and 11th respondents in W.P.No.13760 of 2024 are concerned, they had purchased the said property through Court auction under the SARFAESI proceedings. In fact, as directed by this Court in



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W.P.No.24063 of 2017 dated 24.02.2020, the sale certificate was issued in favour of the auction purchasers. ie., the respondents 10 and 11 in W.P.No.13760 of 2024. Thereafter, they were issued with sale certificate and were also issued patta in Patta No.10915. The 12th respondent in W.P.No.13760 of 2024 verified all those documents and purchased the same. Now, the Commissioner, Corporation of Chennai had put up a board showing that the said house plot belongs to Corporation of Chennai.

10. In view of the above facts and circumstances of the case, the Commissioner, Corporation of Chennai, Chennai is directed to issue notice to the petitioner in W.P.Nos.13760 of 2024 and 23323 of 2014 and the petitioner in W.P.No.17625 of 2024 and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till then, the petitioners and the respondents are directed to maintain status quo.



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11. With the above directions, these writ petitions are disposed of.

Consequently, connected Miscellaneous petitions are closed. No costs.

05.09.2024
(2/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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Corporation Of Chennai,
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6. Assistant Commissioner,
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7. Director Of Town Planning,
807, Anna Salai, Chennai 600 002.
8. Dy.Director Of Town Planning,
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G.K.ILANTHIRAIYAN. J.

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