



W.P.No.12804 of 2019

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12804 of 2019

Rajeev Garden Plot and house Owners
Welfare Association – Mettukuppam,
Rep. By its President,
Chennai – 97.

.. Petitioner

Vs

1.J.D.A. Consultancy Services Pvt. Ltd.,
Mumbai.

2.Manohar Prasad

3.M/s.Asian Capital Consolidated and
Holdings Pvt. Ltd.,
Rep. By its Managing Director,
Chennai.

4.The Commissioner,
Corporation of Chennai,
Chennai – 3.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to forbear the respondents 1 to 3 from interfering with the public including the petitioner's members use of the roads and parks forming part of Rajiv



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Garden layout in Okkiam Thoraipakkam in Survey Nos.135 part, 136/1, 174/1A5, 1A6, 1B, 2part, 4, 428/1part, 1B1, 1B2, 3, 4, 5, 6part & 6B part.

For Petitioner : Mr.E.Hariharan
for M/s.PL Narayanan
For R1 : Mr.G.Mohanakrishnan
For R4 : Mrs.K.Aswini Devi, Standing Counsel

ORDER

The writ petition has been filed seeking to forbear the respondents 1 to 3 from interfering with the public including the petitioner's members to use the roads and parks forming part of Rajiv Garden layout in Okkiam Thoraipakkam in Survey Nos.135 part, 136/1, 174/1A5, 1A6, 1B, 2part, 4, 428/1part, 1B1, 1B2, 3, 4, 5, 6part & 6B part.

2. The petitioner is an association consisting of residents of Rajiv Garden, off OMR road in Okkiam Thoraipakkam. After development of the area by approved layouts, roads were laid and open space reservation land was also provided for a big size park by virtue of CMDA layout approval No.73 of 1991. After development of the said property, open space reservation was left as vacant site and children of that area used to



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play outdoor games.

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3. That apart, the said land was duly gifted in favour the Corporation by a gift deed dated 12.04.1991 bearing Document No.1345 of 1991. However, the respondents 1 to 3 interfered with the members of the petitioner association and other general public from using the roads and parks of that area.

4. On perusal of the report filed by the fourth respondent, it is revealed that the layout called “Rajiv Garden” was created and due approval for the layout was sanctioned by the concerned authorities vide layout approval No.73 of 1991. After 2011, the said area got merged with the Chennai Corporation. The portion of the land in the layout was earmarked for the roads, parks and open space and accordingly, 25122 sq.ft. of land was reserved for parks and open space, and 117376.50 sq.ft. of land was earmarked for roads. This was also gifted in favour of the Corporation by a gift deed dated 12.04.1991 bearing document No.1345 of 1991. Thereafter, park was formed and roads were laid and thereupon, general public including the residents of the petitioner association are



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using the same.

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5. In view of the above, nothing survives for further adjudication in the writ petition and accordingly, the writ petition is closed. No Costs. Consequently, connected miscellaneous petitions are closed.

09.09.2024

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To

The Commissioner,
Corporation of Chennai,
Chennai – 3.



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G.K.ILANTHIRAIYAN, J.

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