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W.P.No.14428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.14428 of 2024
and
W.M.P.Nos.15699 & 15701 of 2024

Mount Pleasant Social Club,
Represented by its Secretary,
Coonoor.

.. Petitioner

Vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.
2. The District Collector,
Nilgiris District,
Nilgiris.
3. The Tahsildar,
Coonoor,
Nilgiris District,
Nilgiris.
4. Secretary to the Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.

.. Respondents



W.P.No.14428 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Certiorari, calling for records of the 4th respondent in letter No.31200/LD1(2)/2015-24 dated 16.04.2024 and quash the same.

For Petitioner : Mr.P.M.N.Bhagavath Krishnan

For Respondents : Mr.R.Ramanlaal
Additional Advocate General
Assisted by
Mrs.V.Yamunadevi
Special Government Pleader

ORDER

The grievance of the petitioner is that an extent of 50 cents which is being utilised for Tennis Court and Shed would be put to some other use. The total extent of land available is 1.27 Acres. Originally, the petitioner Club was in occupation of the entire extent under an assignment. Subsequently, the assignment was cancelled. There is no dispute that the land belongs to the Government. A writ petition was filed before this Court challenging the cancellation and the writ petition was dismissed. Aggrieved by the same, an appeal has been preferred to the First Bench. The appeal has been entertained and the following order has been passed :

2/7



WEB COPY



W.P.No.14428 of 2024

“2.Under the earlier order dated 11.09.2023, we had permitted the use of tennis courts as it was said that the tournaments were in progress. We had observed that the tennis courts can be used for playing tennis. There are two tennis courts and the same are clay courts. The clay courts would require watering and rolling every day. Due care shall be taken for rolling and watering the tennis courts to maintain the same in perfect condition. The same shall be maintained by the respondents. In case the tennis courts are not maintained properly, the appellant may maintain it. However, no rights can be claimed by the appellant over the said tennis courts until further orders.”

2.Pursuant to the order passed by the Division Bench, the Government has passed the impugned order. The petitioner claims that the 50 cents which is being utilised for Tennis Court and Shed might be put to different use.

3.Mr.R.Ramanlaal, learned Additional Advocate General, would submit that the Government has no intention of changing the Tennis



W.P.No.14428 of 2024

Court and shed to any other purpose. The concerned officials are present in Court and he has taken instructions from them. He would further add that the Government intends to improve the remaining extent over which it is the owner. In fact, a perusal of the order, dated 19.01.2024, would show that Mr.Srinath Sridevan, learned Senior Counsel, who appeared for the writ petitioner, had categorically stated that the writ petitioner restricts its claim only to the Tennis Court and the shed and is surrendering the remaining areas to the Government.

4.A perusal of the impugned order shows that the Government has permitted the usage of the Tennis Court by the members of the petitioner Club and at the same time, in order to encourage sporting activities in the hill station, is also permitting the general public, College and School students to use the said facility.

5.Mr.R.Ramanlaal would state that the Government is not proposing to change the character of the Tennis Court and shed. This situation will prevail subject to the further orders to be passed in the Writ Appeal. Insofar as the remaining extent is concerned, the Government



W.P.No.14428 of 2024

wants to utilise it for the other sporting activities. As is clear from the order dated 19.01.2024, the petitioner is not interested in the remaining portion.

6. Consequently, the statement of the learned Additional Advocate General that, pending disposal of the Writ Appeal, the Tennis Court and Shed will be maintained as it is, is recorded. In the light of the submission, there is no cause of action to file the writ petition. Consequently, this writ petition is closed. To make the issue clear, this order is subject to the further orders to be passed in the Writ Appeal. No costs. Consequently, connected miscellaneous petitions are closed.

30.05.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

To

1. The Special Commissioner and
Commissioner of Land Administration,

5/7



WEB COPY



W.P.No.14428 of 2024

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V.LAKSHMINARAYANAN, J.

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WEB COPY



W.P.No.14428 of 2024

W.P.No.14428 of 2024

30.05.2024