



W.P.No.28602 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

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

W.P.No.28602 of 2014 and
MP.No.1 of 2014

Samy College of Education
(Vadiviyammal Ramasamy Educational Trust)
Rep. By its Managing Trustee,
Aruviar Vedyappan
Earlier known as V.R.Vediyappan,
Parayappatti Pudur Post,
Pappireddipatti Taluk,
Dharmapuri District 636 903

... Petitioner

Vs.

1.The Director of Town and Country Planning,
No.807, Anna Salai,
Chennai 600 002
2.The Deputy Director of Town and Country Planning,
Dharmapuri Region,
No.83, Pidamaneri Road,
Appavu Nagar,
Dharmapuri 636 701

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the
records pertaining to the impugned order in Na.Ka.No.23145/2011/PA2



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dated 12.09.2014 on the file of the 1st Respondent and consequential order in Na.Ka.No.1322/2013/Tha.Ma. dated 13.10.2014 on the file of the 2nd Respondent and quash the same, consequently direct the 1st Respondent to grant exemption to the petitioner from gifting 10% land as OSR to the local body, as stipulated in the Special Conditions imposed in the order dated 29.12.2011 in Na.Ka.No.23145/2011/PA2 on the file of the 1st Respondent.

For Petitioner : Mr.R.Kannan

For Respondents : Mr.C.Kathiravan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 12.09.2014 thereby rejected the request made by the petitioner for exempting him from executing gift deed in respect of 10% land as open space reservation area in favour of the local body and the order dated 13.10.2014 on the file of the second respondent thereby directed the petitioner to execute gift deed in respect of 10% of the land as open space reservation area.



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2. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

3. The petitioner is an educational institution. After obtaining planning permission for construction of college in the land comprised in survey No.60/8B2, 8C, 11B, 12A, 14 and 15A situated at Thambichettipatti Village, Setrapatti Panchayat, Pappireddipatti Taluk, Dharmapuri District, college was constructed. Planning permission was granted on condition that the open space reservation area shall be gifted by the petitioner in favour of the concerned local body by way of gift deed. The said area shall be maintained by the petitioner with the permission of the concerned local body. While being so, the petitioner made request for exempting the petitioner from execution of gift deed in favour of the concerned local body. However, it was rejected and directed the petitioner to execute gift deed in respect of 10% of the land as open space reservation area. In the meanwhile, the Government passed order in GO.Ms.No.161 Housing and Urban Development (UD4(3)) Department dated 26.03.2013, in which it was ordered that in respect of



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educational institutions for whom the open space reservation regulation is applicable, the open space reservation shall be earmarked and kept open to sky without any construction with the condition that the Open Space Reservation area should be utilized only as a park and not as a playground by the concerned institutions. The guideline value should not be collected in lieu of open space reservation area in such cases.

4. Therefore, insofar as the educational institutions are concerned, OSR land shall be maintained by the institution itself by utilising the same as park and not as playground. In fact, in the said area, the petitioner constructed small portion and the same was also removed by the petitioner as directed by this Court.

5. In view of the above, the impugned orders cannot be sustained and the same are liable to be quashed. Accordingly, the impugned orders dated 12.09.2014 and 13.10.2014 are quashed. It is made clear that the petitioner shall keep open space reservation area open to the sky without any construction and it shall be utilised only as park



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and not as playground. If any violation is found, the respondents are at liberty to take appropriate action as against the petitioner.

6. With the above direction, this writ petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.09.2024

Neutral Citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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Chennai 600 002
2. The Deputy Director of Town and Country Planning,
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No.83, Pidamaneri Road,
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G.K.ILANTHIRAIYAN, J.

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