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W.P.No.20546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.20546 of 2024

P.B.Mani
S/o.Balaiah

.. Petitioner

Vs.

1. The District Collector
Thiruvallur District.
2. The District Revenue Officer
Thiruvallur District.
3. The Revenue Division Officer
Thiruvallur District.
4. The Block Development Officer
Kottakari, Gummidipoondi.
5. The Thasildhar
Gummidipoondi Taluk Office
Thiruvallur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to forthwith remove the encroachment in public park, comprised in Survey Nos.50/1 and 50/2 admeasuring an extent of 2 acres 4 cents situate at



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Chinthalakuppam Village, New Gummidipoondi Panchayat, Gummidipoondi Taluk, Thiruvallur District in DTCP 4683/84 forming a layout under the name and style Sri Raja Matha Nagar of the public park and to demolish the illegal constructions in the public park by considering representation of petitioner dated 15.04.2024.

For Petitioner : Mr.S.Malarmannan

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to alleged encroachment in 'OSR' ['Open Space Reservation'] land earmarked for a park.

2. A careful perusal of writ affidavit, more particularly paragraph No.5 thereat brings to light that OSR land has not been gifted to local body. To be noted, paragraph No.5 of writ affidavit reads as follows:

'5. I further submit that as per the layout the road, park entire OSR land was allocated and maintain by the flat owners and the petitioner. Originally property owner was not gifted to the Panchayat in the year of 1984, then the layout reflected and allotted to the OSR land still in the name



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of petitioner wife. But that is not disputed OSR land was still usage of public purpose and maintaining by the respondents.'

3. Faced with the above situation, learned counsel sought leave of this Court to withdraw captioned WP but made a plea to preserve all rights and contentions of writ petitioner and / or any other person concerned for this matter to come before this Court with similar / same prayer and / or any suitable prayer on the same cause of action. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

The petitioner permitted
to withdraw the petition
to liberty, etc.
[Signature]
26.07.2024
Name of petitioner
(Name removed)
26.07.2024

4. We accede to this request and preserve rights of writ petitioner and / or any one concerned for this matter. We also preserve rights of writ petitioner and / or any one concerned to pursue other remedies before other authorities / fora, if available in law but after gifting OSR land.



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5. Captioned WP disposed of as closed / withdrawn albeit with preservation of rights in the aforesaid manner. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
26.07.2024

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

mk

To

1. The District Collector
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M.SUNDAR.J.,
and



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K.GOVINDARAJAN THILAKAVADI, J.,
mk

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