



W.P.No.29357 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM:

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

W.P.No.29357 of 2019
and W.M.P.No.29172 of 2019

V.Mathizahagan

...Petitioner

-Vs-

1. The Secretary to Government,
Rural Development Department,
St. George Fort,
Chennai – 9.
2. The Director of Rural Development
and Panchayat Raj,
Panagal Maligai,
4th & 5th Floor,
Abdul Razzak St.,
Saidapet,
Chennai – 600 015.
3. The District Collector,
Thiruvallur Collector Office,
Thiruvallur.
4. The Commissioner,
Directorate of Town and
Country Planning,
807, Anna Salai,
Chennai – 600 002.
5. The Block Development Officer,



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Ekkadu Village,
Thiruvallur Panchayat Union,
Thiruvallur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to remove the building constructed in the petitioner's land situated under survey Nos.591/1, 591/2 & 593/3 at Vetri Enclave in Ekkadu Village, Thiruvallur Taluk, Thiruvallur Village with the consequential relief of directing the first respondent to pay compensation towards removal of compound wall which was constructed by the petitioner vide an appropriate order.

For Petitioner : Mr.Saraswathi Muthiah
For Respondents
For R1 to R4 : Mr.V.Manoharan
Additional Government Pleader
For R5 : No appearance

ORDER

This writ petition has been filed for direction, directing the first respondent to remove the building constructed in the petitioner's land situated under survey Nos.591/1, 591/2 & 593/3 at Vetri Enclave in Ekkadu Village, Thiruvallur Taluk, Thiruvallur Village with the consequential relief of directing the first respondent to pay compensation towards removal of compound wall which was constructed by the petitioner.



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2. The petitioner is one of the purchaser from the approved layout. While being so, the fifth respondent installed gym and park in his private land which is meant for creche/play school. Therefore, the petitioner seeks directions to remove the construction put up in his land situated under survey Nos.591/1, 591/2 & 593/3 at Vetri Enclave in Ekkadu Village, Thiruvallur Taluk, Thiruvallur Village.

3. Heard the learned counsel appearing for either side and perused the material placed before this Court.

4. The fifth respondent filed counter and on the submission made by the learned Additional Government Pleader revealed that in the layout site all the plots are vacant except few plots with built up houses and some plots are under constructions. Most of the areas are kept vacant and trees, bushed etc. The dispute areas i.e., park and gym are constructed with compound wall and children playing equipment's like sea-saw, pull-up bars etc., one temporary shed with metal sheet roof, cement flooring, four side surrounded with iron rods, three feet brick wall from the basement as per the type design of the Amma park and Amma gym. Remaining areas are vacant without any permanent super structures only



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the shed having metal roof and constructed area for gym is only occupied by the Village panchayat. Hence, there is no permanent concrete building etc.

5. Further, the recreation items installed in the park are see-saw, slide and swing, monkey bar, creepy crawly, pull-up, parallel bar, badminton, ring ball, volley ball. The area allotted for the “சிறுவர் பூங்கா” can be vacated from the area which is apportioned for the “மழலையர் பள்ளி”. The requested landsite can be handed over to the petitioner after vacating the playground equipments and duly shift the removable playing materials of children to the area allotted for the “சிறுவர் பூங்கா”.

6. That apart, the alternate land for the extent of 71,268 sq.ft., which has been handed over to the Ekkadu Panchayat for the public purpose in the same layout is not feasible for the common purpose for which it has been handed over as per the Tamil Nadu Panchayat Act, 1994. Hence, the site specified for “மழலையர் பள்ளி” is possible to be handed over to the petitioner after removal of children recreation equipments.



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7. In view of the above, the fifth respondent is directed to vacate the instruments installed in the children play area and handed over the same to the petitioner within a period of eight weeks from the date of receipt of a copy of this Order. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

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

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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