



W.P.No.29680 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM:

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

W.P.No.29680 of 2018

and

W.M.P.No.34645 of 2018

PTC Officers Colony Association
Reg.No.Sl.No.527 of 2008,
Rep by its Secretary,
S.Balashanmugam,
No.17.P.T.C.Officers Colony,
Maduravoyal, Chennai 600 095.

..... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department, Chennai

2.Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Chennai 600 008.

3.The District Collector,
Thiruvallur, Thiruvallur District.

4.The Commissioner,
Maduravoyal Municipality III Grade,
No.289, Poonamallee High Road,
Chennai - 600 095.

5.The Greater Chennai Corporation Zone,



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XI Rep.by its Zonal Officer,
No.33 Arcot Road,
Valasaravakkam,
Chennai 600 087

6.The Tashsildar,
Maduravoyal Taluk Office,
Gandhi Nagar,
Porur,
Chennai 600 116.

7.The Village Administrative Officer,
Maduravoyal VAO Officer,
Alapakkam Main Road,
Pallavan Nagar,
Maduravoyal,
Chennai 600 095.

8.Special Officer,
Pallavan Transport Corporation
Cooperative House Construction Society Ltd,
MDS/HSG -101,
Pallavan House,
Anna Salai,
Chennai 600 002.

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take action to vacate the office of Village Administrative Officer and /or the unit office of the 5th respondent and to restore the land to its original condition as vacant land earmarked for park space situated in part of S.No.50/1A at Maduravoyal Village, 1st Main Road, PTC Officers Colony, Chennai 600 095 by removing the illegal superstructure.

For Petitioner : M/s.Kala Ramesh
For R1, R3, R4, R6 & R7 : Mr.S.Arumugam



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For R2

For R5

Government Advocate

: Mrs.P.Veena Suresh

Standing Counsel

: Mrs.P.T.Rama Devi

ORDER

This Writ Petition has been filed for a direction, directing the respondents to vacate the office of the Village Administrative Officer and to restore the land to its original condition as vacant land, which is earmarked for park space, situated in part of S.No.50/1A at Maduravoyal Village 1st Main Road, PTC Officers Colony, Chennai and also to remove illegal superstructure, if any.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is an Association consisting the plot owners of the PTC Officers Colony, Maduravoyal. The 8th respondent had purchased the property comprised in S.F.Nos.50, 51, 52 and 62/2 situated at Maduravoyal Village, Ambattur Taluk to an extent of 3.32 acres and obtained layout approval from the second respondent. Thereafter, the house plots were allotted to its members. After obtaining the layout approval vide PPD/LO/No.18 of 1984



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from the second respondent, the 8th respondent executed a Gift Deed in favour of Maduravoyal Town Panchayat registered vide Document No.325 of 1985, dated 25.01.1985. Now, it is attached with the 7th respondent. As per the Gift Deed, the road portion admeasuring 76.14 cents as well as vacant land then earmarked for park in the eastern portion of the layout admeasuring 23.66 cents. The land, which is earmarked for park, admeasuring 5000 sq.ft. forming part of S.No.50/1A, adjoining plot No.16 in the western part of the said layout. The adjoining part of the layout is meant for park for the members of the 8th respondent. It also consists a well supplying water to all the houses in the layout.

4. While being so, the 6th respondent erected an office for Village Administrative Officer in the said land and also put up a compound wall without seeking any permission from the 8th respondent. In fact, the second respondent had also attempted to set up a sewerage pumping station in the said land which is earmarked for park. Challenging the same, the petitioner filed a writ petition before this Court in W.P.No.24918 of 2009 and interim order was granted in favour of the petitioner. Thereafter, the 7th respondent trespassed into the land and started to put up civil works. Therefore, once again the petitioner approached this Court in W.P.No.6009 of 2013 and this Court, by an



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order dated 06.11.2023, disposed the writ petition after recording the counter filed by the Corporation of Chennai stating that it has stopped all the construction work. The construction of the canteen has been dropped by the Corporation of Chennai. However, no action has been taken on the representation submitted by the petitioner to remove the office of the Village Administrative Officer and to restore the same as vacant to convert as park.

5. It is a settled position of law that a specific area which is earmarked by the planning authority for public purpose while approving a scheme. Thereafter, the de-reservation of the land cannot be permitted. Once such permission is accorded and in that permission if a specified area is earmarked for public purpose, even the Planning Authority shall not have power to exempt that land for being put to use for any other purpose. Therefore, the Government also cannot have any jurisdiction to alter the condition imposed in the layout, whereby certain lands are earmarked as open space to be used for public purposes.

6. In view of the above, the fourth respondent is directed to conduct enquiry, after issuance of notice to the petitioner and the respondents 5 to 8 and after giving an opportunity of hearing to them and pass orders on



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merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

Secretary to Government,
Revenue Department, Chennai

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Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
Chennai 600 008.

3.The District Collector,
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4.The Commissioner,
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