



WP(MD)No.18974 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18974 of 2015

and

MP(MD)No.1 of 2015

and

WMP(MD)No.12685 of 2017

R.Baskar

.. Petitioner

v.

1.The Director,
Directorate of Town and Country Planning,
807, Anna Salai,
Chennai.

2.The Deputy Director,
Town and Country Planning,
Sivaganga Region,
No.430, Gandhi Veethi,
Sivagangai - 630 561.

3.The President,
Pottapalayam Panchayat,
Pottapalayam,
Sivagangai District.



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4.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai.

5.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.5, Perumal Koil Street,
Sivagangai.

6.The President,
Electro Platers and Metal Finishers
Association of Tamil Nadu,
128, Singaravelar Street,
K.Pudur,
Madurai – 7.

7.The Secretary,
Electro Platers and Metal Finishers
Association of Tamil Nadu,
128, Singaravelar Street,
K.Pudur,
Madurai – 7.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to forbear the respondents 6 & 7 from converting the common area in R.S.No. 232 having an extent of 3 Acre and 4 Cents and R.S.No.238 having an extent of 4 Acre 68 Cents and R.S.No.239 having an extent of 3 Acre 51 Cents and R.S.No.219/1 having an extent of 32 Cents, R.S.No.220/1 Part 1 having an



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extent of 163 Sq.ft and R.S.No.222/1 having an extent of 2 Acre 54 Cents and R.S.No.222/1 having an extent of 2 Acre 54 Cents and 222/2 having an extent of 1 Acre 50 Cents and R.S.No.233 having an extent of 5 Acre 58 Cents and R.S.No.234 having an extent of 4 Acre 70 Cents in Karisalkulam Village, Sivagangai District, in deviation of the sanction layout plan passed by the third respondent on 12.01.2008.

For Petitioner : Mr.M.Rajaraman

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader
for R.1, R.2

Mr.A.Baskaran,
Additional Government Pleader for R.3

Mr.Vijaya Kumari Natarajan
for R.4, R.5

Mr.B.Karunanidhi
for R.6, R.7

ORDER

The petitioner, with a grievance that the private respondents are attempting to change the common area from the approved layout, has submitted a representation and has filed this writ petition.



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WEB COP 2. The very same issue has been raised by Agrini Enclave Houses and Flats Owners' Association in *WP(MD)No.8630 of 2009*, wherein, this Court has framed the following questions for consideration:-

(i) Whether places earmarked for parks, school, community hall, etc., can be altered?

(ii) Whether the authorities are having powers to revise the approved layout?

(iii) Whether it can be revised without the knowledge of the residents of the layout?

3. In the said case, this Court, by order dated 20.10.2023, after referring to a catena of decisions rendered by the Hon'ble Supreme Court and Hon'ble Division Benches of this Court, has held that the developments in the places earmarked for the primary school, park, community hall and open space as per the original approved layout dated 31.07.2003 have to be treated as unauthorised and are liable to be removed.



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4. Since this issue is no more *res integra*, no further order is required to be passed in this writ petition. Accordingly, this writ petition is disposed of in terms of the order passed in WP(MD)No.8630 of 2009, dated 20.10.2023.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No **19.02.2024**
NCC : Yes / No
Internet : Yes
gk

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B.PUGALENDHI, J.

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