



WP(MD). No.24319 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 29/02/2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE P.DHANABAL

**WP(MD). No.24319 of 2018
and WMP(MD) Nos.22008 and 22009 of 2018**

Thanthai Periyar Adukumadi Kudiyiruppor Nala Sangam

Rep. by its Secretary

M.J.Charles

... Petitioner

Vs

1.The Chairman

Tamil Nadu Slum Clearance Board,

No.5 Kamarajar Salai

Chepauk, Chennai. 600 005.

2.The District Collector

Trichy District, Trichy.

3.The Executive Engineer

Tamilnadu Housing Board

Trichy Division

Madurai Road,

Palakkarai

Trichy.

... Respondents

**(cause title amended vide order dated 02.01.2019
in WMP(MD) No.23013/2018)**

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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents not to construct any building in the vacant land allotted for playground, parks, anganwadi, fair price shop and meeting hall in T.S.No.9 Ward No.19 Jailpettai, Sub Jail Road, Palakkarai, Trichy.

For Petitioner : M/s.Right Law Associates,

For Respondent : Mr.S.Satheeshkumar for 2
Additional Government Pleader
M/s.S.Latha for R3
No appearance for R1

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondent No.2 and the learned counsel for the respondent No.3.

2.The learned counsel for the petitioner submits that the construction over the open space, which the petitioner was seeking to be restrained, is already completed.



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3.The learned Advocate for the respondent No.3 submits that after considering the documents and the fact that the land is not reserved for any public purpose or as a open space, the construction of houses has been carried out. In the first phase, 280 houses and subsequently 64 houses are also constructed.

4. In this petition, nowhere it is shown that the property is reserved for a playground/open space. Unless it is shown that the property reserved for the said purposes, the construction cannot be stopped. Moreover, the construction has already been carried out.

5. In light of that, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[P.D.B., J.]

29.02.2024

NCC : Yes/No
Index : Yes/No
RR



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THE HON'BLE THE CHIEF JUSTICE
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P.DHANABAL, J.

RR

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