



W.P(MD)No.8141 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.8141 of 2016
and
W.M.P(MD)No.6652 of 2016**

R.Subramanian

... Petitioner

VS.

- 1.State of Tamil Nadu,
Represented by its Secretary,
Department of Revenue,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nanthanam,
Chennai – 600 035.
- 3.The District Collector,
Madurai District,
Madurai – 625 020.
- 4.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Madurai Housing Unit,
Ellis Nagar,
Madurai – 625 016.



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5.The Commissioner,
Madurai Corporation, Madurai – 625 016.

6.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai City,
Madurai.

7.Kamaleswaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 6 from converting the open park reserves into Housing flats at Koodal Pudur, Tamil Nadu Housing Board, Madurai Housing Unit, Ellis Nagar, Madurai District and consequently restore the same to its original position as park within the time frame stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar
For RR 1, 3 & 6	: Mr.T.Amjad Khan Government Advocate
For RR 2 & 4	: Mr.R.Siva Kumar Standing Counsel for TNHB
For R – 5	: Mr.S.Vinayak



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner, who is the Secretary of the Koodalpudur Tamil Nadu Veetu Vasadhi Varriyam (Pahuthi VI) Veetu Urimayalarkal Podhu Nala Sangam, has filed the present Writ Petition as a 'Public Interest Litigation' on the ground that the official respondents tried to convert the open space area into plots. Thereby, he made a representation dated 20.04.2016 to the respondents and the same was not considered. Hence, the present Writ Petition is filed.

2.The Deputy Secretary to Government/Tamil Nadu Housing Board has communicated a letter dated 14.03.2014 to the petitioner stating that no permission is granted for converting the public park or open space for the purpose of house sites.

3.The learned counsel appearing for the petitioner would submit that it is suffice, if a direction is issued to the fifth respondent to consider the representation of the petitioner, dated 20.04.2016 within the time stipulated by this Court.



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4.In the light of the above, we are of the view that the respondent Housing Board has no power to convert the said property into house sites. Hence, the Madurai Corporation is directed to serve notice to the parties concerned including the Tamil Nadu Housing Board and after hearing the parties concerned, pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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and
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