



W.P.No.8514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8514 of 2023

P.Thilakavathy

...Petitioner

-Vs-

1.The Principal Secretary to the Government,
Municipal Administration Department,
Fort St. George, Secretariat,
Chennai- 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003

3.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buiding,
Gandhi-Irwin Road, Egmore,
Chennai- 600 008.

4. The Deputy Commissioner,



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Revenue & Finance Greater,
Greater Chennai Corporation,
Rippon Building, Chennai- 600 003.

5.The Zonal Officer,
Zone -14,
Greater Chennai Corporation,
No.6/64, Pzhidivakkam Main Road,
Ullagaram, Puzhdivakkam,
Chennai-600 091

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed in Ni.Ma.U.Thu.Na.Ka.No: LE9/596/2022 dated 24.01.2023 on the file of the 4th respondent and quash the same as illegal and arbitrary and consequently direct the 4th respondent to consider the petitioner's application for exchange of land for accessing her land dated 17.03.2022 in accordance to law.

For Petitioner : Mr.Adinarayana Rao

For Respondents : Mr.S.Rajesh
Government Advocate for R1
Mrs.S.Vanitha Joice Rani
Standing Counsel for R2, R4 & R5



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ORDER

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This writ petition has been filed seeking to call for the records pertaining to the impugned order passed in Ni.Ma.U.Thu.Na.Ka.No: LE9/596/2022 dated 24.01.2023 on the file of the 4th respondent and quash the same as illegal and arbitrary and consequently direct the 4th respondent to consider the petitioner's application for exchange of land for accessing her land dated 17.03.2022 in accordance to law.

The brief facts of the case are as follows:

2.The Petitioner is a owner of 1 acre 18.5 cents of land in Jalladianpet Village, had long accessed her property through a pathway adjacent to the 1st Respondent's park. In 2010, M/s Selene Estates Ltd sought to develop a multi-storey building on the Petitioner's land but was refused. Later, in 2013-14, the company constructed a compound wall blocking her access, citing a 1 Acre 36 cents land gift (02.03.2010) required for building approval. The Petitioner was led to believe a pathway existed on the Southern side of the gifted land, which was to be converted into a park. After not visiting her property from 2018 due to health issues and COVID-19, the Petitioner later



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discovered that her access had been blocked by a building, effectively landlocking her property. She requested a land exchange, offering to cover costs, but despite inspections confirming no alternative access, the 4th Respondent rejected her request without proper evaluation. Aggrieved, the Petitioner has filed the present writ petition.

3.The learned counsel appearing for the petitioner would submit that the application of the petitioner was not consider till date by the 2nd respondent. The learned counsel would further submit that one Selene builder gifted the property to the Chennai Corporation for OSR due to which she was not having access to her land. Hence, she proposed to give her land in exchange to the Corporation so that the Corporation shall provide her with a pathway to go to her land. He further submit that the impugned order passed by the 4th respondent is extracted hereunder:

*"The Tamil nadu Parks, Play - Fields and
Open Spaces (Preservation and Regulation) Act,
1959- as mentioned in paragraph No.6 :*

"No park, play-field or open space specified in



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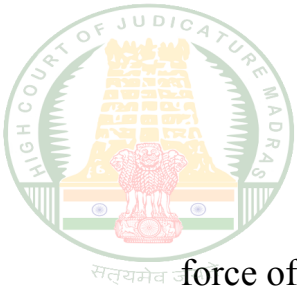
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the list published under section 4 or 5 shall, except with the previous sanction of the Government, be used for any purpose other than the purpose or purposes for which it was used on the date of the coming into force of this Act under sub-section (3) of section 1 or on the date with effect from which this Act is extended to the local area concerned under sub-section (4) of section as the case may be."

4. The learned Standing counsel appearing for the respondents 2, 4 & 5 Corporation would submit that no such proposal has been forwarded to the Government according to the Tamil Nadu Parks, Play-field Open Space Reservation (Preservation and Regulation Act, 1959) by the 2nd respondent.

5. Heard both sides and perused the materials available on record.

6. In the impugned order passed by the 4th respondent he has referred the above said Tamil Nadu Parks, Play-field Open Space Reservation (Preservation and Regulation Act, 1959). According to which, except with the previous sanction of the Government, be used for any purpose other than the purpose or purposes for which it was used on the date of the coming into



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force of this Act.

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7.The 2nd respondent is directed to forward the application/representation of the petitioner dated 17.03.2022 to the 1st respondent within a period of four weeks from the date of receipt of a copy of the order.

8.On receipt of the application, the 1st respondent shall consider the same, the above said Act on merits in accordance with law within a period of six weeks thereof.

9.Accordingly, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2025

vsn

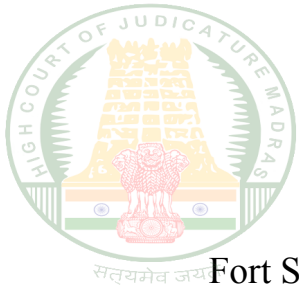
Index : Yes / No

Speaking / Non-Speaking Order

To

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Municipal Administration Department,

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