



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-10-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 31388 of 2014

1. Swaminatha Nagar Residents
Welfare Assn., Regn. No. 274/2002,
Rep by its Secretary G.Raja, Plot
No.11, Swaminatha Nagar,
Kottivakkam, Chennai 41

Petitioner(s)

Vs

1. Chennai Corporation
Zonal Officer, Zone XIV, No.6/64,
Puzhuthivakkam Main Road,
Ullagaram, Puzhuthivakkam, Chennai
91

2.Chennai Metropolitan Water and
Drainage Board, Rep by its Managing
Director, Chennai Metropolitan Water
Supply and Sewerage Board, No.1,
Pumping Station Road, Chindatripet,
Che 2

Respondent(s)

**PRAYER**

call for the records of the 1st respondent in the communication dt 5.9.2014 bearing No. MAA.14 Na. Ka. No.A8/5237/2014 and direct the respondents from in any manner construction of underground drainage and sewage system and pumping station at the Children Park in Swaminatha Nagar, Kottivakkam as per the DTCP approved layout in Plan No. LPD 135/75 in Survey No. 263/2 and 264/3

For Petitioner(s): M/s.R.Gowtham Kumar
M.Sricharan Rangarajan

For Respondent(s): M/s. P.T. Ramadevi, Sc For R1
Memo Dt 20/02/2023
M/s. S. Deepika For R2 Dt
14/03/2023
(Status Report Filed)

ORDER

The petitioner is a Residents' Welfare Association. An approved layout was formed pursuant to the orders of the Deputy Director of Town Planning, Chengelpet under LPD No.135/1975. The extent of development was 11 acres, over which 137 plots were laid out. At the time of approval, an extent of 79 feet by 61 feet, admeasuring 4819 sq.ft., had been reserved for a children's play area. The cause of action for the writ petition is that the second respondent proposed to convert a portion of this area into a lift station.



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2. The petitioner pleads that the area available is the only playground for the entire Swaminathan Nagar and the conversion of open space reservation into another purpose than the one intended is impermissible.

3. This writ petition had been entertained by this Court on 01.12.2014 and an order of injunction was also granted. It was made to continue until further orders. When the writ petition was pending, the Supreme Court has declared the law in the case of *Association of Vasanth Apartments' Owners Vs. V. Gopinath and Others* reported in **2023 SCC OnLine SC 137**. In paragraph No.184, the Supreme Court held as follows:

"184. The upshot of the above discussion may be summed-up as follows:

I. ...

II. ...

III. ...

IV. ...

V. ...

VI. The areas covered by the OSR cannot be diverted



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for any other purpose. The respondents are duty-bound to ensure that the area set apart as OSR is stringently utilized only for the purpose in the Rule / Regulation. We direct that no area meant for OSR shall be utilised as dumping yards or any other purpose other than as OSR;"

4. The law having been declared by the Supreme Court to the effect that OSR land must be maintained only for the purpose for which it has been created and that the same cannot be converted to any other use, settles the issue involved in the writ petition.

5. Though the learned counsel for the second respondent pleads that the proposal is only for the benefit of all the members, and that only a small portion is sought to be converted into a lift station, I am of the view that once the Supreme Court has spoken, it is not for this Court to create an exception to the law so declared. Consequent to the law laid down by the Supreme Court, the Writ petition succeeds. The impugned order is quashed. The area set apart as the children's playground shall be maintained as it is, without any modification.



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6. Accordingly, the writ petition is allowed. No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN J.

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