



W.P.No.39261 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.39261 of 2025

Tirupur Consumer Welfare Progressive Federation,
Rep By its President, A.Saravanan,
5/1551, Nehru Nagar,
Boyampalayam Pirivu,
Pooluvapatti Post, Tiruppur – 641 602.

.. Petitioner

Vs.

1.The Block Development Officer (Village Panchayats),
Palladam,
Palladam Taluk,
Tiruppur District.

2.The District Collector,
Tiruppur, Tiruppur District.

3.The Assistant Director (Panchayats),
Collectorate, Tiruppur,
Tiruppur District.

4.The Thasildar,
Palladam,
Palladam Taluk,
Tiruppur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Mandamus, directing the respondents 1 and 2



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to take immediate action on the representation of the petitioner dated 29.07.2025 to prevent any construction being carried on without any authority by the private parties in the Open Space Reserved for the public in S.F.No.'s.485/1A2, 485/1B2 & 485/2A of Karaipudhur Village, Palladam Taluk, Tiruppur District.

For Petitioner	:	Mr.D.Selvaraju
For R1	:	Mr.U.M.Ravichandran Special Government Pleader
For RR 2 to 4	:	Mrs.C.Meera Arumugam Additional Government Pleader

ORDER

Heard Mr.D.Selvaraju for the petitioner, Mr.U.M.Ravichandran, Special Government Pleader for the 1st respondent and Mrs.C.Meera Arumugam, Additional Government Pleader for the respondents 2 to 4.

2.The petitioner claims to be the President of the Tiruppur Consumer Welfare Progressive Federation. He states that the property situated in S.F.Nos.485/1A2, 485/1B2 & 485/2A, of Karaipudhur Village, Palladam Taluk, Tiruppur District, was developed into a lay-out. In the said lay-out, 80 cents of land was reserved as Open Space



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Reservation (OSR). It is the allegation of the petitioner that certain persons had encroached the OSR land and started construction of a Temple. Immediately, he approached the respondents 1 & 2, and informed them about the said illegality. Despite the same, no action had been forthcoming from the 1st respondent. The District Collector, taking note of this fact, had forwarded the complaint to the 1st respondent, District Superintendent of Police, Revenue Divisional Officer and other authorities. The 1st respondent had passed a prohibitory order on 17.09.2025, stating that no construction activities are to be carried out in OSR, and directing the maintenance of the land in OSR. Despite the same, the 1st respondent has not taken any effective measures to prevent the construction activities. Hence, the writ petition.

3.Mr.U.M.Ravichandran, Special Government Pleader appearing for the 1st respondent, states that the 1st respondent had, on several occasions informed the persons who had encroached upon the OSR land to desist from putting up any construction, but, it fell on deaf ears. Finally, after this Court had entertained this writ petition, the 1st respondent has put up a flex board, stating the property is an OSR land and no construction should take place on the same.



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4. In response, Mr.D.Selvaraju states that apart from affixing flex boards, no further action has been initiated by the 1st respondent. He states that paying no heed to the flex board, construction activities are going on over the area.

5. I have carefully considered the submissions of both sides and I have also gone through the records in detail.

6. It has been settled by a judgment of the Supreme Court in *Association of Vasanth Apartments Owners Vs. V.Gopinath and others, 2023 SCC OnLine SC 137*, wherein the Supreme Court declared the law as follows:-

“184.(VI).The areas covered by the OSR cannot be diverted for any other purpose. The respondents are duty-bound to ensure that the area set apart as OSR is stringently utilised 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;”



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7.This declaration makes it clear that the OSR land cannot be put to any use, other than being maintained, and shall, at all points of time be retained as an open space. Constructions on the open space, which is meant as a lung-space of the residents, is impermissible. Mere fixing of a flex board does not discharge the 1st respondent of his responsibilities. He has been empowered by several legislations to ensure that if any person prevents him from discharging his duties, he can take appropriate action, including lodging a complaint against the said person. No one person can take over a land which is reserved for the use of public at large. Such attempts at land grabbing cannot be permitted by any person, including the 1st respondent. He owes a duty not only to the residents of that area, but also to the public at large to ensure that the land is preserved as it is. Hence, this writ petition is ordered in the following terms:-

- (i)The 1st respondent shall ensure that OSR land created in S.F.Nos.485/1A2, 485/1B2 & 485/2A, of Karaipudhur Village, Palladam Taluk, Tiruppur District, is preserved as it is;
- (ii)He shall take immediate steps to ensure that any encroachment in the form of construction or otherwise is removed forthwith; and,



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(iii) During the course of such removal, if he is obstructed, he shall take necessary police protection and perform his duties. The Superintendent of Police, Tiruppur District, shall ensure sufficient protection is granted to the 1st respondent in performance of his duties.

8. The aforesaid task shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order. No costs.

9. Post this case under the caption 'For Reporting Compliance' on 25.11.2025.

04.11.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

NOTE: Upload order copy on 04.11.2025.



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- 4.The Thasildar,
Palladam, Palladam Taluk,
Tiruppur District.
- 5.The Superintendent of Police,
Tiruppur District.



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V.LAKSHMINARAYANAN, J.

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