



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WMP No. 50719 of 2025

IN

WP NO. 39261 OF 2025

1. Srinagar 1 Kudiyiruppor Nala Sangam
Rep. By Its President,
Mr.K.Chinnadurai, S/o.M.Karuppusamy,
No.79 Srinagar, 3rd Street, K.Chettipalayam,
Dharapuram Road, Karuvampalayam,
Tiruppur District 641604.

Petitioner(s)

Vs

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

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

3.The District Collector
Tiruppur,



Tiruppur District

4.The Assistant Director (Panchayats)

Collectorate Tiruppur,
Tiruppur District.

5.The Thasildar

Palladam, Palladam Taluk , Tiruppur District

Respondent(s)

PRAYER To grant leave to the petitioner / 3rd party herein to file a petition to recall the order dated 04.11.2025 passed by this Honble Court in WP.No.39261 of 2025.

For Petitioner(s): A.Jagadeeswari
 K.J.Sakthi Shanmugha Priya
 S.Iyyappan
 B.Sruti
 R.K.Varshini

For Respondent: Mr.D.Selvaraju (R1)
 Mr.U.M.Ravichandran(SGP)(R2)
 Mr.L.S.M.Hasan Fizal, AGP
 for Ms.C.Meera Arumugham, AGP
 -(RR3 to 5)

ORDER

Heard Mr.G.Karthikeyan, learned Senior Counsel for

M/s.A.Jagadeeswari, learned counsel for the petitioner, Mr.D.Selvaraju, for the



1st respondent/ writ petitioner, Mr.U.M.Ravichandran, learned Special Government Pleader for the 2nd respondent, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for Mrs.C.Meera Arumugham, learned Additional Government Pleader for the 3rd to 5th respondents.

2.The petitioner /1st respondent herein came forward with a writ petition seeking for a direction to take immediate action on their representation dated 29.07.2025 to prevent any construction being carried on without any authority by the private parties in the Open Space Reservation(OSR) for the public in Survey Nos. 485/1A2, 485/1B2 & 485/2A of Karaipudhur Village, Palladam Taluk, Tiruppur District.

3.The petitioner alleged that the aforesaid survey numbers are Open Space Reservation(OSR) in the layout, that had been developed at Karaipudhur Village. The grievance of the petitioner was that some villagers are getting together and constructing a Temple in the OSR land. Following the declaration of law in *Association of Vasanth Apartments Owners -vs- V.Gopinath and*



others reported in **2023 SCC OnLine SC 137**, I held that the OSR land cannot be converted for any use including one for construction of Temple.

Consequently, I directed the demolition of the structure that has been constructed over the OSR land. I called upon the respondents to ensure for compliance the order.

4.Mr.G.Karthikeyan, learned Senior Counsel appearing for the petitioner mentioned that the construction in Open Space Reservation(OSR) is not prohibited and that all the residents in the layout wanted a small temple to be constructed in the OSR land. He pointed out that the Temple is not encroaching upon the entire OSR land but only over 7 cents. He also submitted that on account of the order dated 04.11.2025, the respondents have collected on the site in order to pull down the superstructure raised.

5. Taken note of the submissions, I requested Mr. G.Karthikeyan to ensure the papers in this petition are served on Mr. U.M.Ravichandiran and Mr. D.Selvaraju.



6. I heard all parties and perused the records.

7. Though the petitioner seeks to recall the order passed by this Court on 04.11.2025, I pointed out Mr. G.Karthikeyan that I have merely applied the judgment of *Association of Vasanth Apartments Owners -vs- V.Gopinath and others* reported in **2023 SCC OnLine SC 137** which has held that the OSR land has to be maintained as it is and it cannot be used for any use.

8. Mr.G.Karthikeyan states that he wants to challenge the order passed by this Court before the Supreme Court by way of Special Leave Petition.

9. Any litigant has a right to prefer an appeal to the Supreme Court from orders of this Court. So does the petitioner. If the order of this Court dated 04.11.2025 is implemented, the purpose of filing an appeal would be rendered otiose. Hence, I am of the view of that the petitioner should be permitted to exhaust his remedy to test my order before the Supreme Court.



10. Hence, four weeks time is granted to the petitioner to move the Supreme Court to challenge the order dated 04.11.2025, on the filing of an undertaking affidavit before this Court by Monday, i.e., 24.11.2025 to the effect that in case the order is confirmed by the Supreme Court in the Special Leave Petition preferred, the petitioner on his own accord will remove the superstructure raised at his cost.

11. Mr.G.Karthikeyan is willing for filing such an undertaking. The respondents shall not demolish the superstructure for a period of four weeks from today. The petitioner shall also not make any further constructions in the area. In case the undertaking affidavit is not filed by Monday, 24.11.2025, the respondents are free to proceed. The undertaking affidavit must be filed in the Registry after due service on Mr. U.M.Ravichandiran and Mr. D.Selvaraju.

12. This writ miscellaneous petition is disposed of. No costs.



WMP No. 50719 of 2025



20-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Maya



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WMP No. 50719 of 2025



V. LAKSHMINARAYANAN, J.

Maya

To

1.Tirupur Consumer

Welfare Progressive Federation, Rep.

By Its President A. Saravanan, 5/1551

Nehru Nagar, Boyampalayam Pirivu,

Pooluvapatti Post, Tiruppur 641 602

2.The Block Development Officer

(village Panchayats), Palladam,

Palladam Taluk, Tiruppur District

3.The District Collector

Tiruppur , Tiruppur District

4.The Assistant Director (panchayats)

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