



W.A.(MD).No.407 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD).No.407 of 2025
and
C.M.P.(MD).Nos.3183 and 3184 of 2025

T.Raja Usha Rani

... Appellant/Petitioner

Vs.

1.The Director of Municipal Administration,
75, Urban Utility Building,
M.R.C. Nagar,
Santhome High Road, R.A. Puram,
Chennai 600 028.

2.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi,
Virudhunagar District,
Pin 626 123.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 03.02.2025 in W.P.(MD).No.2746 of 2025 on the file of this Court.

For Appellant : Mr.M.Vallinayagam
Senior Counsel
for Mr.V.R.Shanmuganathan
For R-1 : Mr.P.Thilak Kumar
Government Pleader



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For R-2

: M/s.S.Devasena

Standing Counsel

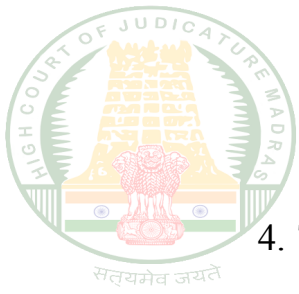
JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The intra-Court appeal has been instituted challenging the Writ order dated 03.02.2025 passed in W.P.(MD).No.2746 of 2025.

2. The writ petitioner is the appellant before this Court. The Writ Petition was instituted for a Mandamus to forbear the second respondent from converting the entire open space covered in Ward A, Block 19, T.S.No.60/2 and Ward A, Block 17, T.S.No.3 of Sivakasi Municipal Corporation, Virudhunagar District as Miyawaki Forest and laying fence encircling the said property against Tamil Nadu Parks, Play Field and Open Spaces (Reservation and Regulation) Act, 1959.

3. The Writ Court considered the issues and made a finding that in case if the petitioner has got any easementary right to use the subject open space as a dominant user, it is always open for the petitioner/appellant to approach the competent Civil Court to establish her easementary right and claim appropriate relief.



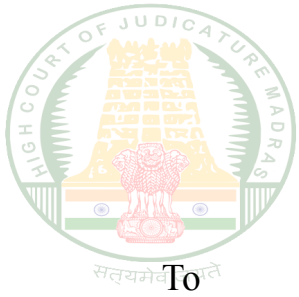
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4. The Writ Court has rightly formed an opinion that property rights are to be established before the competent Civil Court of law. Writ Court cannot adjudicate the disputed facts of civil nature. The property rights are to be established through documents and evidences available on record. The Municipality claims that it is their property and the subject property is being maintained as a Park for public purposes and for the benefit of the people of that locality. Therefore, even the appellant cannot offer an alternate land with a view to occupy the park area and it cannot be claimed as a matter of right. More so, parks are public properties and they have to be maintained as a park. Conversion at no circumstances be made by the public authorities. In view of the fact that the Writ Court has rejected the Writ Petition, which is in consonance with the legal principles, this Court is not inclined to interfere with the order impugned.

5. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (G.A.M.,J.)
11.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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