



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.SURENDER

W.P.No.20115 of 2021

The Plot Owners Welfare Association
 of CLRI Nagar, Rep, by its Secretary,
 Mrs.R.Sridevi, 199, III Main Road,
 CLRI Nagar, Neelankarai,
 Chennai- 600 115.

..Petitioner

-VS-

1. The Commissioner
 Greater Chennai Corporation, Rippon
 Building, Chennai- 600 003.
2. The chairman
 Tamil Nadu Co- Operative Housing Society
 Ritherton Road, Vepery, Chennai- 600 007.
3. The Registrar
 Tamil Nadu Co- Operative Housing Society
 Ritherton Road, Vepery, Chennai- 600 007.
4. CLRI Staff Co-operative House Building
 Society, (Regd. CGT/HSG/20),
 Rep. by its Director and Secretary
 Mrs.Selvarani Vijayan, No.235, 1st Main
 Road, CLRI Nagar, Neelankarai,
 Chennai – 115.
 (R4 impleaded vide order dated 8.1.2026)

..Respondent(s)

Prayer: Directing the respondents particularly the first respondent herein
 to evict the unauthorised occupants and establish a park in the area
 earmarked in the lay out plan of CLRI Nagar in survey No. 38/ 2A1A1A1



at 1st Main Road abutting 40 feet road (Vaithaialingam Salai),
Neelankarai, Chennai- 600 115 within a stipulated time.

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For Petitioner:

Mr.A.Muthukumar

For Respondent(s):

Mr.G.T.Subramanian
Standing Counsel for R1
R2-NA
Dr.Suriya, AGP for R3
Mr.J.Srinivasa Mohan
For M/s.TVJ Asso. for R4

ORDER

(Order of the Court was made by S.M.Subramaniam,J.)

Writ of Mandamus has been instituted, directing the respondents particularly the first respondent therein to evict the unauthorised occupants and establish a park in the area earmarked in the layout plan of CLRI Nagar in S.No.38/ 2A1A1A1 at 1st Main Road abutting 40 feet road (Vaithaialingam Salai) Neelankarai Chennai.

2. The petitioner is Plot Owners Welfare Association of CLRI Nagar (hereinafter referred as 'Petitioner Association'), represented by its Secretary. It is not in dispute that 4th respondent / CLRI Staff Co-Operative House Building Society, registered under the provisions of Tamil Nadu Cooperative Societies Act, 1983 (in short 'the Act, 1983')



developed a layout at Neelankarai Village, Saidapet Taluk, Chengai MGR District. It is an unapproved layout, wherein common purpose area, land for community hall as well as to establish school are earmarked in the layout.

3.The grievance of Petitioner Association is that the common purpose area as well as community hall area remain unutilized and some encroachments have also been made in the community hall area. As far as the area earmarked for construction of school and common purpose area are concerned, 4th respondent Society illegally converted the common purpose area as housing plots and sold it to its members in violation of the layout.

4. Learned counsel for the petitioner would submit that the only vacant land now available is the area earmarked for construction of community hall. The said area is to be converted as park for the benefit of residents, who are all members of Petitioner Association. As of now, there is no park or school building constructed nor the common purpose area has been utilized for the purpose for which it was earmarked. The 4th respondent since committed illegality, the remaining vacant land is to be allotted for developing a park.



5. Learned counsel for the 4th respondent would oppose, by stating that the layout was formed and in respect of only small area, the Society has proposed to construct a community hall and utilize the same for common purpose. Therefore, apprehension raised by the Petitioner Association is devoid of merits. In respect of public purpose area, 4th respondent has not denied the fact that it was converted as house site plots and sold it to its members by receiving sale consideration.

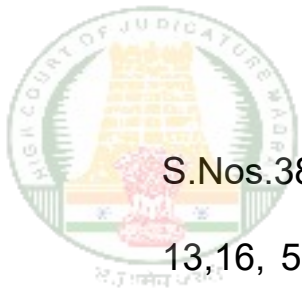
6. The Hon'ble Supreme Court of India in the case of **Association of Vasanth Apartments' Owners vs. V.Gopinath and others**, reported in **2023 INSC 123** ruled that even in an unapproved layout, streets / roads, common purpose area, parks, school area and OSR lands are to be utilized only for the purpose for which it was earmarked. The Developer cannot claim any right over common purpose area, since, after forming layout, common purpose area becomes the area belonging to purchasers of the respective plots in the layout and therefore, developer has no locus or right to sell the common purpose area jointly at his choice. The Apex Court reiterated that public purpose area land in a layout is to be protected and the said portion of the land cannot be utilized or converted for any other purpose other than the purpose for which it was earmarked in view of the provisions of the Tamil Nadu Town and Country Planning Act, 1971.



7. In the present case, 4th respondent is a Staff Co-Operative House Building Society, registered under the provisions of the Act, 1983. Government of Tamil Nadu and the Registrar of Co-operative Society are the Controlling Authority in respect of the affairs of the Co-operative Housing Society. Therefore, approval of the Registrar for any such conversion of public purpose area or residential plot has to be obtained and even if any such approval is granted contrary to the provisions of Town and Country Planning Act, 1971, all such Officials are to be held responsible and accountable.

8. In the present case, residents are deprived of having a public park in a public purpose area. The land earmarked for community hall is remaining vacant. The area earmarked for construction of school and public purpose area has been converted as residential plots in violation of the statutory provisions.

9. In view of the facts and circumstances, the 3rd respondent / Registrar (Housing), who is the Authority under the provisions of the Act, 1983 is directed to conduct an inquiry under Section 81 of the Act, 1983 and find out the irregularities and illegalities in the matter of formation of layout, conversion and sale of areas earmarked for construction of school, community hall, etc in the layout as house sites in



S.Nos.38 Part 50/2,3,4,5, 51/2,6,7,8,9 and 12, 52/4,5,6,7,10,11,12 Part 13,16, 53/1,2 and 54/4 and 5 at Neelankareai Village, Saidapet Taluk, Chengai MGR District.

10. As far as remaining small extent of vacant land is concerned, the said land is to be taken over by the 1st respondent / Greater Chennai Corporation and develop a park for the benefit of residents of that layout. As per the submission made on behalf of the Petitioner Association, there is no park available in the entire location. Admittedly, no OSR lands have been handed over to the Corporation. Therefore, the vacant land available as of now in the subject layout is to be taken over by the Corporation and converted as park for the benefit of children, elders and residents of that area. In respect of conversion of public purpose land and school area as housing plots and sale effected, it needs to be enquired into and all appropriate actions are to be taken by the Registrar (Housing) by following procedures as contemplated under the provisions of the Act, 1983 and based on the inquiry report to be submitted under Section 81 of the Act, 1983. The said exercise is to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



With the above directions, the present Writ Petition stands allowed to the extent indicated above. No costs.

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(S.M.S.,J.) (K.S.,J.)
09-03-2026

Index: Yes
Speaking Order
Neutral Citation: Yes
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To:

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2. The Chairman
Tamil Nadu Co-Operative Housing Society,
Ritherton Road, Vepery, Chennai- 600 007.
3. The Registrar
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W.P.No.20115 of 2



S.M.SUBRAMANIAM,J.
AND
K.SURENDER,J.
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