

(2010) 10 MAD CK 0144

In the Madras High Court

Case No : Writ Petition (MD) No. 10675 of 2010 and M.P. (MD) No. 1 of 2010

S. Nagarajan

APPELLANT

Vs

The District Collector and Mannachanallur Panchayat Union

RESPONDENT

Date of Decision : 21-10-2010

Acts Referred:

Citation : (2010) 10 MAD CK 0144

Hon'ble Judges : S. Nagamuthu, J;R. Banumathi, J

Bench : Division Bench

Advocate : I. Irulappan, for the Appellant; K. Balasubramanian, Addl. Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

R. Banumathi, J.—The Petitioner seeks for a Writ of Mandamus to direct the Respondents to maintain the area earmarked as a park area in Maruthi Nagar lay out as approved in terms of proceedings vide LP(TT) No. 47/85 dated 10.7.1985 issued by the Deputy Director of Town and Country Planning, Trichy in Bikshandarkoil Village, Mannachanallur Panchayat Union, Trichy District.

2. The case of the Petitioner is that he is the owner of Plot No. 35, Maruthi Nagar, Bikshandarkoil Village, Mannachanallur and that he noticed illegal developments taking place in the area, which has been ear-marked as a park area. According to the Petitioner, the area has been ear-marked for a park and the Respondents are bound by the terms and conditions stipulated in the proceedings of the Deputy Director of Town and Country Planning, Trichy dated 10.7.1985.

3. We have heard the learned Counsel appearing for the Petitioner and the learned Additional Government Pleader.

4. The learned Additional Government Pleader submitted that the land in Survey No. 40B, which was under construction, was given under a gift deed dated 30.7.1985 by Power Agent Mr. Sritharan only for the purpose of public utility, poonga, playground and for education. It was submitted that about 287 persons

have given their consent for the construction of public library. Learned Additional Government Pleader submitted that there is no illegal developments in the area ear-marked for the park. It was submitted that park is in one corner and the construction for the public library is opposite to the corner and the present construction is constructed under the Anna Marumalarchi Scheme, which was forwarded by the first Respondent and approved by the State Government.

5. When there is no illegal development in the area ear-marked for park, we do not find any merit in the Writ Petition. There is no basis for the grievance of the Petitioner that there is some illegal construction in the area ear-marked for the park. He has not produced any document in support of the averments made in the Writ Petition. The Writ Petition is dismissed. No costs. Connected Miscellaneous Petition is closed.