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W.P.No.20734 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.20734 of 2026
and WMP No.22353 of 2026

M.Venkatesan,
S/o.Munisami,
No.87/99, Buddhar Nagar,
Gudiyatham – 632602,
Vellore District.

Petitioner(s)

Vs

1. The District Collector,
District Collectorate,
Sathuvachari, Vellore-632009.
2. The Municipal Commissioner,
Gudiyatham Municipality,
Municipal Office, No.1,
R.S.Road, Gudiyatham-632602.
3. The Principal Secretary to Government
Municipal Administration and Water
Supply Department, Secretariat,
Chennai - 600009.



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4. The Principal Secretary to Government,
Youth Welfare and Sports Development
Department, Secretariat, Fort St. George,
Chennai - 600009.

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Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to forthwith stop all construction activities being carried out at the existing cricket and football ground situated in Municipal Higher Secondary School Playground, Railway Station Road, Gudiyatham, Vellore District and consequently, direct the second respondent, to preserve and maintain the said land as an open public playground without any permanent construction.

For Petitioner(s): M/s.T.Dharani

For Respondent(s): Mr.Mohammed Fayaz Ali
Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

The petitioner has approached this court under Article 226 of the Constitution of India, invoking the extraordinary writ jurisdiction under the garb of a public interest litigation. The petitioner seeks a writ of mandamus to restrain the second respondent from carrying out construction activities at the existing open cricket and football



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ground situated at the Municipal Higher Secondary School Playground, Railway Station Road, Gudiyatham, Vellore District, alleging that the open playground is being converted into an indoor sports facility.

2.1. The grievance of the petitioner is that the second respondent has initiated construction activities to establish an indoor sports facility within the open playground. It is asserted that the subject land has been a public playground used by school children, youth, and senior citizens for the last 75 years. According to the petitioner, the proposed permanent construction will destroy the open green space, eliminate free access to the public, affect environmental balance, and violate the public trust doctrine as well as Articles 21, 48A, and 51A(g) of the Constitution of India.

2.2. Ventilating the aforesaid grievance, the petitioner submitted a representation dated 11.02.2026. Since no effective action was taken to stop the construction, the present writ petition has been filed.



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3.1. Learned Government Pleader, who entered appearance on behalf of the respondents, at the outset, submitted that the allegations raised by the petitioner are completely baseless, exaggerated, and stem from a gross misrepresentation of facts. He further submitted that no construction activity is being undertaken to convert the playground into an indoor sports facility and that a small administrative block alone is being constructed near the boundary wall of the premises to serve the administrative requirements.

3.2. Learned Government Pleader further clarified that the vast area of the playground is nowhere disturbed and remains completely open to the sky. The construction of the minor administrative building abutting the boundary wall does not in any way impinge upon the open playing area, nor does it deprive the public or the students of their right to use the ground for outdoor sports and recreation.



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4. We have heard learned counsel on either side and perused the writ petition and the map placed on record.

5. It is a matter of record that the petitioner has approached this court with the sweeping allegation that the 75-year-old open playground is being converted into a closed indoor sports facility, thereby destroying the open green space. However, as established by the respondents based on the map produced today, the actual facts on the ground are entirely contrary to the petitioner's assertions. The construction is strictly limited to a small administrative block near the boundary wall, leaving the playground intact and open to the sky.

6. It is evident from the records that the petitioner has filed the present public interest litigation without ascertaining the true facts or the actual scope of the construction work. The petitioner has proceeded on half-baked information and rumors, without making any effort to visit the site, examine the approved plans, or verify the facts from the competent authorities before rushing to this court.



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7. The Supreme Court designed public interest litigation as a noble jurisdiction to guarantee justice for marginalized groups and safeguard the public interest. However, it is not a tool to be weaponized based on misinformation, suspicion, or vague assertions. The courts have consistently deprecated the practice of entertaining public interest litigations filed without proper homework and factual investigation. In *Ashok Kumar Pandey v. State of W.B.*¹, the Supreme Court held thus:

*"14. The court has to be satisfied about : (a) the credentials of the applicant; (b) **the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite.** The information should show gravity and seriousness involved. **Court has to strike balance between two conflicting interests : (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. **It has to be extremely careful to see that under the*****

¹ (2004) 3 SCC 349



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guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature.

The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.”

[emphasis supplied]

8. In the instant case, it is manifestly clear that the petitioner has filed this public interest litigation based on vague assertions and a complete misconception of the construction activity. Without ascertaining the actual facts, the petitioner has approached this court alleging the destruction of a public playground. Since the playground is nowhere disturbed and remains open to the sky, the very foundation of the writ petition collapses.

9. In fine, the writ petition is wholly misconceived. The petitioner has failed to establish any illegal action on the part of the respondents. The construction of a small administrative block near



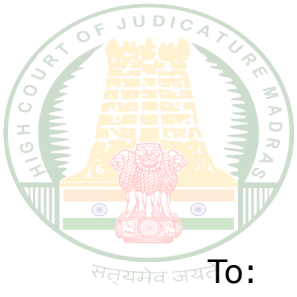
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the boundary wall does not warrant the interference of this court under Article 226 of the Constitution of India, especially when the open playground remains undisturbed and open to the sky for the public. The respondents are, however, directed to ensure that the construction of the administrative block is strictly confined to the boundary area, as represented before this court, and does not encroach upon the open playground area in any manner.

In view of the foregoing discussions, the writ petition is dismissed as being based on incorrect facts and vague assertions. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
02.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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