



WMP No. 51321 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

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CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WMP No. 51321 of 2025

IN

WP NO. 11095 OF 2024

1. I.Sivagami
2. M.Arul
3. Madarasa Hidayathul Illam
Rep. By its Office Bearers
Revised Plot No.R14
Tamil Nadu Housing Board Residence
Phase 3, Sathuvachari
Vellore District.
4. D.Murugan
5. G.Krishnamoorthy
6. V.Ganapathy
7. B.Saritha
8. K.Sivanandan
9. S.Loganathan
10. R.Manjula
11. N.Munivel
12. A.Thanji Ammal
13. Sampath Rani

Petitioner(s)/
Prop. Rspds 6-18

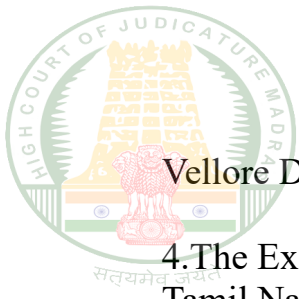
Vs

Vallalar (phase-3) Residents Welfare Association
Regd. No.490/1995, No.264/2,
Nethaji Bose Main Road,
Phase- III, Sathuvachari, Vellore- 632 009.
Rep By Its President G. Mohan.

Respondent(s)/Petitioner

2.The District Collector
Vellore District, Vellore.

3.The Vellore City Municipal Corporation Vellore



Vellore District, Rep. By its Commissioner.

4.The Executive Engineer
Tamil Nadu Housing Board
Sathuvachari, Vellore, Vellore District.

5.The Member Secretary
Vellore Local Planning Authority/Joint Director
District Town and Country Planning Office
Vellore.

6.M/s.V.M.Constructions
No.45A/1, Rasi Arunachala Street Nadupet
Gudiyattam, Vellore District.

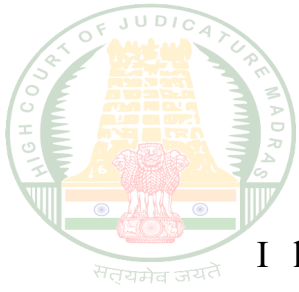
Respondent(s)

Prayer:-

To implead the petitioners in the present Writ Miscellaneous Petitioners as party respondents (6) to (18) in the writ petition No. 11095 of 2024.

For Petitioner(s): Ms.G.Thilagavathi, Sr.C
For M/s.Gopinath
B.Balaji
M.Swetha
R.Dharshini

For Respondent(s): Mr.R.Sunil Kumar - R1
Mr.J.Ravindran,
Additional Advocate General,
Assisted by Mr.Prabhu -R3.
Mr.Kumaresan,
Additional Advocate General,
Assisted by Mr.S.Ramachandran,
Standing Counsel for TNHB-R4
Mr.L.S.M.Hasan Fizal,
Additional Government Pleader,
-R2 and R5.

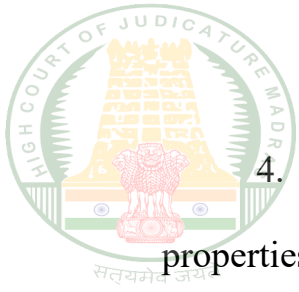


ORDER

I heard Mrs.G.Thilagavathy, learned Senior Counsel, appearing for Mr.Gopinath, learned Counsel for the petitioners and Mr.R.Sunil Kumar, learned Counsel for the R1, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.Prabhu, learned Counsel for the R3, Mr.Kumaresan, learned Additional Advocate General, assisted by Mr.S.Ramachandran, learned Standing Counsel for TNHB-R4 and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, for the R2 and R5.

2. The petitioners are occupants of various portions in the layout developed by the Housing Board at Sathuvachari, Vellore. The petitioners have constructed Temples, Madarsa and houses on area reserved for open space reservation(OSR). They have moved this Court by way of an impleading petition, on account of the notices issued by the Vellore Municipal Corporation invoking Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998.

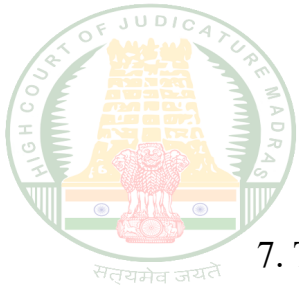
3. It is their plea that the area, on account of having been kept open, gave sufficient room for unruly elements creating nuisance in the residential layout. Hence, in order to protect the layout and the residences from such unnecessary issues, they have decided to put up structures.



4. The petitioners also point out that the Housing Board had sold properties in Survey Nos. 171 (part), 172 (part) and 182 (part) to one Dinesh Kumar, son of a Councillor, and the property marked as S6 in the layout (reserved for community center and reading room) to an erstwhile Councillor's husband for a valuable consideration. They plead that sufficient opportunity has not been given to them in terms of Section 182 (2) and hence, they seek to be impleaded as party respondents to the present writ petition.

5. W.P. No. 11095 of 2024 relates to the proceedings of the Vellore Local Planing Authority seeking to quash an order converting the open space reservations(OSR) for other uses. While the writ petition and the review petition were pending, the Supreme Court had an occasion to consider the very issue presented in the writ petition in *Association of Vasanth Apartments -vs- V.Gopinath* reported in **2023 SCC OnLine SC 137**.

6. Mr. Justice K.M.Joseph speaking for the Supreme Court held that open space reservation(OSR) has to be maintained as it is. He declared that such areas cannot be converted into use for any other purpose. If the petitioners have any grievance that the area under their occupation is not under open space reservation(OSR) on the basis of the layout approved by the Local Planning Authority in the year 1995, they are always entitled to approach the Commissioner, Vellore City Municipal Corporation and state the same.

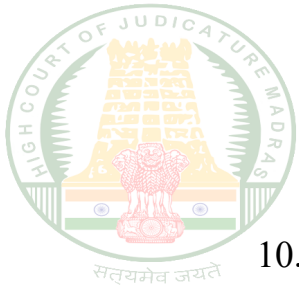


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7. The order of this Court has only implemented the aforesaid order of the Supreme Court with respect to the contentions made on lands reserved as OSR. If an area has been reserved as OSR, the original developer, viz., Housing Board, itself does not have any power to alienate it or permit persons to put up constructions over the same. When OSR areas are handed over to the Local Body, the Local Body too has to maintain it as it is, as it act as a Trustee of the lands handed over. It performs such duties for and on behalf of the inhabitants of the layout. The Local Body too cannot alienate the OSR areas nor can they permit constructions on them.

8. The plea that the Housing Board has alienated certain Community Halls and area that is reserved for public purpose to third parties, is entirely a different submission. Even if I were to assume that the Housing Board had alienated certain portions, which are inalienable, that does not give a right to the petitioners to seek their continued occupation of OSR lands. There cannot be an equality in matters of illegality.

9. Mr.J.Ravindran states that notice was issued for all those in occupation of OSR lands on 05.11.2025 and it was followed up with confirmation notice on 24.11.2025.



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10. When the petitioners have been served with notices, it is up to them to go well to the Municipal Corporation and submit their explanations together with supportive documents. In case, they are so provided, I am sure the Commissioner will consider their objections, and pass final orders. In any event of the matter, as stated by Mr.J.Ravindran, final orders shall be passed within a period of four weeks and actions will be initiated immediately.

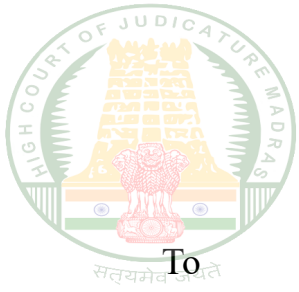
11. As the petitioners do not dispute that they are in occupation of the OSR land, I do not find their presence necessary in this writ petition.

12. With the above observations, as regards, the right of the petitioners to represent before the Vellore City Municipal Corporation, this writ miscellaneous petition is dismissed. No costs.

26-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

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To

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1. Vallalar (phase-3) Residents Welfare Association
Regd. No.490/1995, No.264/2, Nethaji
Bose Main Road, Phase- Iii,
Sathuvachari, Vellore- 632 009. Rep By
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4. The Executive Engineer
Tamil Nadu Housing Board,
Sathuvachari, Vellore, Vellore District.
5. The Member Secretary
Vellore Local Planning Authority / Joint
Director District Town And Country
Planning Office, Vellore.



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V.LAKSHMINARAYANAN J.

Maya

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