

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Eleventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

WP(MD) No.8755 of 2019

and

WMP(MD).Nos.6809 & 6810 of 2019

R.SANKAR

... PETITIONER

Vs

1 THE GOVERNMENT OF TAMILNADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
ADI-DRAVIDAR AND TRIBAL WELFARE DEPARTMENT,
SECRETARIAT, CHENNAI-9.

2 THE DIRECTOR OF ADI-DRAVIDAR
AND TRIBAL WELFARE DEPARTMENT,
CHEPAUK, CHENNAI-5.

3 THE DISTRICT COLLECTOR,
KARUR DISTRICT, KARUR.

4 THE DISTRICT ADI-DRAVIDAR AND
TRIBAL WELFARE OFFICER,
DISTRICT COLLECTORATE, KARUR.

5 THE SPECIAL TAHSILDAR,
(ADI-DRAVIDAR WELFARE)
KULITHALAI TALUK OFFICE, KARUR.

6 THE BLOCK DEVELOPMENT OFFICER,
KULITHALAI PANCHAYAT UNION OFFICE,
KULITHALAI, KARUR DISTRICT.

7 MURUGAYEE

8 UDAYAKUMAR

9 MALAR

10 KALIAMMAL

11 SIRUMBAYEE

12 REJINA JOTHI

13 JEYACHANDRA

14 BABY SUNDARI

... RESPONDENTS



in the affidavit filed therewith the High Court will be pleased to issue a writ of Certiorarified Mandamus, call for the records relating to the impugned orders bearing Award No. 6/91-92-Plot No.33 to Plot No.40 dated 02.11.2011 (8 Orders) passed by the 5th respondent and quash the same and consequently direct the respondents 1 to 6 to retain the Open Vacant Space of about 40 cents available in the Adi-Dravidar Colony formed in Survey No.170/4A, Manathattai Village, Kulithalai Taluk, Karur District

Prayer in WMP(MD). 6809/ 2019 :

To pass an order of Interim Stay of the operation and implementation of impugned orders bearing Award No. 6/91-92-Plot No.33 to Plot No.40 dated 02.11.2011 (8 Orders) passed by the 5th respondent pending disposal of the main writ petition

Prayer in WMP(MD). 6810/ 2019 :

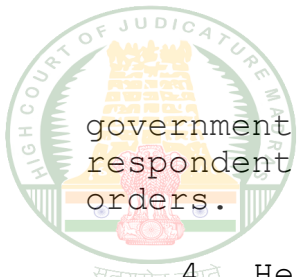
To pass an order of Interim Injunction forbearing the respondents 7 to 14 from altering the physical feature and undertaking any construction on the house sites NO.33 to 40 in Survey NO.170/4A, Manathattai Village, Kulithalai Taluk, Karur District allotted to them in the impugned orders bearing Award No. 6/91-92-Plot No.33 to Plot No.40 dated 02.11.2011 (8 Orders) passed by the 5th respondent pending disposal of the main writ petition

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T.SAKTHI KUMARAN, Advocate for MR.K.SEEMARAJ, Advocate for the petitioner and of MR.A.THIYAGARAJAN, Government Advocate for R1 to R6, the court made the following order:-

The case of the petitioner is that as per the approved layout as seen from page No.1 of the typed set of papers, originally there were only 32 plots and there was also Open Space Reservation (OSR) area.

2. It is the case of the petitioner that he has constructed a house in Plot No.25 and has been residing there ever since 2002. But, it is his case that the respondents 7 to 14 started cleaning the open space area in the beginning of the year 2019. Thereafter, the petitioner got information through Right to Information (RTI) Act that further plots were plotted in the open reservation area namely plot Nos.33 to 40 which were allotted to respondents 7 to 14.

3. The learned counsel for the petitioner drew the attention of this Court to the original approved layout, wherein only 32 plots were available and there was open space reservation area and he also drew the attention of this Court to the present layout in which plot Nos.33 to 40 were also plotted in the Open Space Reservation area. It is also his contention that under the approved layout, only persons belonging to the Adi Dravidar Community were entitled to hold plots. But in the instant case, on verification it was found that plot Nos.33 to 40 under the new layout were allotted to retired



government employees as well as to others, that too, by the fourth respondent who is not the competent Authority to issue Assignment orders.

4. He also drew the attention of this Court to the various assignment orders issued in the year 2011 and 2012 by which the respondents 7 to 14 were allotted plots in the Open Space Reservation area by the fourth respondent. Learned counsel for the petitioner also drew the attention of this Court to the Division Bench judgment of this Court in the case of **K.Rajamani and others vs., Alamunagar Residents' Welfare Association and others** reported in **2011 (1) CTC 257** and submitted that the lands once reserved for public purpose cannot be reused, even open space reservation area cannot be altered. According to him, the instant case is identical to the facts of the Division Bench judgment referred to supra.

5. *Prima facie* this Court finds force in the submissions made by the learned counsel for the petitioner. Accordingly, stay of operation and implementation of the impugned orders is granted and the respondents 7 to 14 are also restrained by an order of injunction from alienating/encumbering the plots allotted to them in the Open Space Reservation area.

6. Notice to respondents 7 to 14 returnable by **10.06.2019**. Private notice is also permitted.

sd/-

11/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

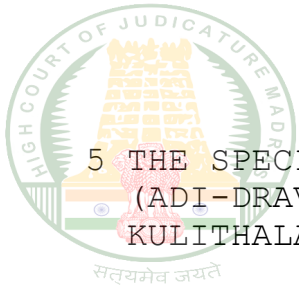
TO

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6 THE BLOCK DEVELOPMENT OFFICER,
KULITHALAI PANCHAYAT UNION OFFICE,
KULITHALAI, KARUR DISTRICT.

+2. C.C. to M/S.K.SEEMARAJ Advocate SR.No. 6604 & 6605

ORDER

IN

WP(MD) No.8755 of 2019

and

WMP(MD).Nos.6809 & 6810 of 2019

Date :11/04/2019

JM/JC/SAR 2/26.04.2019/4P/9C