



WP(MD) No.28565 of 2023

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

Monday, the Fourth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

**WP(MD) No.28565 of 2023
and
WMP(MD)No. 24620 of 2023**

K.N.ARAVIND

... PETITIONER

Vs

**1 THE DISTRICT COLLECTOR
THENI DISTRICT**

**2 THE BLOCK DEVELOPMENT OFFICER
CUMBUM BLOCK,
THENI DISTRICT.**

**3 THE EXECUTIVE OFFICER
KAMAYAGOUNDANPATTI TOWN PANCHAYAT,
THENI DISTRICT.**

... RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from constructing Over Head Tank by way of converting the OSR (Open Space Reservation) reserved for Park at Nataraj Nagar in an extent of 215.60 Sq Meter in S.No. 728/3, Kamayagoundanpatti Village, Theni District.

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Prayer in WMP(MD). 24620/ 2023 :

To pass an order of Interim Injunction, restraining the respondents from constructing Over Head Tank by way of converting the OSR (Open Space Reservation) reserved for Park at Nataraj Nagar in an extent of 215.60 Sq Meter in S.No. 728/3, Kamayagoundanpatti Village, Theni District pending disposal of the writ petition and thus render justice.

ORDER : This Writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.RAJASEKAR, Advocate for M/S.LAJAPATHI ROY AND ASSOCIATES for the petitioner and of MR.C.SATHEESH, Government Advocate on behalf of the Respondents 1 & 2 and of MR.M.SARANGAN, Additional Government Pleader for the 3rd Respondent, the court made the following order:-

The learned counsel for the petitioner points out that 50 cents of land were promoted and 19 plots were sold. 5 cents of land was earmarked as park. On the site earmarked as park, the water tank is now sought to be constructed.

2. Considering the public interest involved, I made it clear that if the authorities are bent on locating the water tank only on the particular site, it is their responsibility to provide an alternative 5 cents of land for the purchasers of the petition mentioned



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layout. The respondents agree to provide an alternative park for the petitioner's use.

3. For filing affidavit in this regard, call on 08.12.2023. Till filing of such affidavit, no further work shall go on in the petition mentioned site. There shall be an order of interim injunction. Notice.

sd/-
04/12/2023

/ TRUE COPY /

04/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI
TO

- 1 THE DISTRICT COLLECTOR, THENI DISTRICT
- 2 THE BLOCK DEVELOPMENT OFFICER
CUMBUM BLOCK, THENI DISTRICT.
- 3 THE EXECUTIVE OFFICER
KAMAYAGOUNDANPATTI TOWN PANCHAYAT,
THENI DISTRICT.

ORDER
IN
WP(MD) No.28565 of 2023
and
WMP(MD)No. 24620 of 2023
Date :04/12/2023

PKP/04.12.2023/ 3P/ 4C

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