

WP No. 1200 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-03-2026**

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**THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY**

**WP No. 1200 of 2022  
and WMP NO. 1269 of 2022 & 6288 OF 2025**

Jesudass cornelius  
S/o. Late Mr.Cornelius,  
No.7, Parkstreet, Veeraragavapuram,  
Thiruverkadu, Chennai-600 077.

Petitioner(s)

Vs

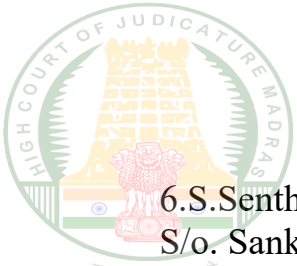
1. The District Collector  
Thiruvallur District, Thiruvallur.

2.The Commissioner  
Thiruverkadu Municipality,  
Thiruverkadu.

3.Raghu @ Ramachandran  
S/o. Mr.Yoganandan,  
No.128, Avadi Main Road,  
Veeraraghavapuram,  
Near Selvikalyana Mandapam,  
Chennai-600 077.

4.The Hindu Religious And Charitable  
Endowments Department,  
Rep. by its Commissioner.  
(R4 SUO MOTU IMPLEADED VIDE  
ORDER DT 12.07.2022 MADE IN  
WP.1200/2022 BY CSNJ)

5.The Jurisdictional Thasildar,  
The Thasildar, Poonamallee.  
(R5-suo Motu Impleaded As Per Order  
Dated 29.11.2024 In Wp.1200/2022 By  
Cvkj)



6.S.Senthilkumar,  
S/o. Sankaran,  
No. 7/10, Poonga Street,  
Veeraragavapuram,  
Thiruverkadu, Chennai.77.  
(R6-IMPLEADED AS PER ORDER  
DATED 07.02.2025 IN  
WMP.17094/2022 IN WP.1200/2022  
BY JSNPJ)

7.The Director Of Town And Country  
Planning, Chennai.600 077.  
(R7-suo Motu Impleaded As Per Order  
Dated 24.02.2025 In Wp.1200/2022 By  
Jsnpj)

Respondent(s)

**PRAYER**

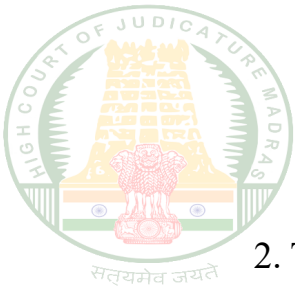
Writ petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 2 to maintain land ear marked for park and play ground in approved the layout in No L.P.G.T.S.D.T.P. No.78/60, in S.Nos. 75/2 to 5, Veeraraghavan Village, Thiruverkadu, Tiruvallur District as park and play ground.

For Petitioner(s): Ms.M.Sneha

For Respondent(s): Mr.T.K.Saravanan, AGP for R1, 5 & 7  
Mr.P.Srinivas, for R2  
Mr.B.Manoharan, for R3  
Mr.Siva Shanmugam for R6  
Mr.K.Karthikeyan, GA for R4

**ORDER**

This writ petition has been filed to direct the respondents 1 & 2 to maintain land ear marked for park and play ground in approved layout in No L.P.G.T.S.D.T.P. No.78/60, in S.Nos. 75/2 to 5, Veeraraghavan Village, Thiruverkadu, Tiruvallur District as park and play ground.



2. The learned counsel for the petitioner would submit that in this case, on 20.04.1960, the layout of the subject land was approved by the Director of Town Planning. In the approved layout, specific areas were earmarked as “park” and “playground”. However, the Authorities concerned are not maintaining the said park and playground.

3. Further, she would submit that a Temple is situated in the subject land, however, the same was not marked vide the aforesaid approved layout. According to the petitioner, the said temple is situated in the area, which was earmarked as “park” and “playground” in the approved layout. Hence, this writ petition.

4. In reply, the learned counsel for the respondent would submit that if all the relevant documents, viz., layout of subject land, approval granted by Director of Town Planning, etc., are produced before the respondents, they will consider the petitioner's request as early as possible.

5. As far as the submission made with regard to the Temple is concerned, he would submit that the said Hindu Temple is situated at the subject land for more than 5 decades and he had also pointed out that out of the total area of 9000 sq.ft, the Temple is situated within an extent of 3000 sq.ft. Thus, the park



and playground can be very well maintained at remaining 6000 sq.ft. Hence, he requests this Court to pass appropriate orders.

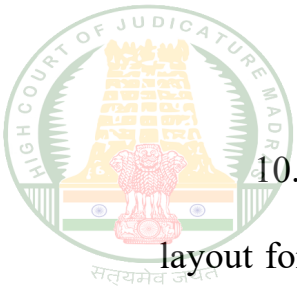
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6. Heard the learned counsel for the petitioner as well as the respondents and also perused the entire materials available on record.

7. In the case on hand, the layout of subject land was approved by the Director, Town Planning, on 20.04.1960. In the approved layout, specific areas were earmarked as “park” and “playground”. Now, the grievance of the petitioner is that the respondents are not maintaining the said park and playground properly.

8. Yet another submission was made by the petitioner with regard to the alleged encroachment said to have been made by constructing a Hindu Temple, which is situated at the subject land. However, according to the respondent, the said temple is existing in the subject land for more than 5 decades.

9. When the Temple is in existence for more than 5 decades, the petitioner is supposed to have made his objections at the earlier stage. However, after an exorbitant delay, all of a sudden, now, he is coming forward with an allegation of encroachment against the Temple.



10. After all, the park and playground were earmarked in the approved layout for the benefit and enjoyment of the residents in and around the subject layout. When the said layout is handed over to the respondent, it is the bounded duty of the respondents to maintain the same. When such being the case, if there is any interference at this stage, the same will disturb the belief and faith of larger number of people resides therein.

11. Parks are essential public places designed for enjoyment, recreation and relaxation. They also provide area for exercise, walking and social gatherings. It promotes physical and mental well-being. It protects the biodiversity by way of providing improved air and water bodies. Parks are also serving as a vital community hubs and provides safe natural set-up for all people. On the other hand, the construction of Temple and worshipping of Deity is also a way for relaxation, which promotes the mental well-being of majority of residents of the subject layout. Therefore, at any cost, the Temple has to be considered as a part and parcel of the Park and as a place for relaxation, which reduce mental stress of the people.

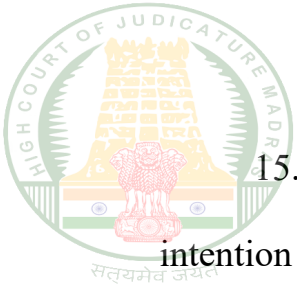
12. As the Temple is situated only to the extent of 2260 sq.ft., out of the total vacant area of 9000 sq.ft., it will no way affect the movement of public in the said park. That apart, as stated above, at any cost, the belief and faith of the general public, those who worship the Deity, cannot be disturbed merely on the



ground of alleged encroachment. Further, in this case, with the wishes of majority of residents of the subject layout, the Temple is constructed in a portion of an area, which was earmarked as “park” and the residents therein are worshipping the Deity in that Temple for more than 5 decades. Thus, it would be considered as a place for mental well-being of the majority of people living therein and the same shall be treated as part and parcel of the park.

13. In view of the above, it is clear that the majority people of the subject layout had constructed the temple and worshipping the Deity therein for more than 5 decades and thus, there is no doubt that the said Hindu Temple is constructed in the Park for the public purpose. It is not an encroachment, but it is wishes of majority residents of the subject layout. Further, the said Temple is not constructed in any area, which are earmarked for lake, river, etc., so as to obstruct the public means.

14. As rightly pointed out by the respondents, out of the total area (9000 sq.ft), the Temple is situated only within an extent of 2260 sq.ft. Thus, the park can be very well maintained at the remaining portion of 6740 sq.ft., for the other activities. As the Temple is in existence for more than 5 decades, it will not be an impediment for maintaining park in the subject land. The said Temple is nothing but part and parcel of the park.



15. As stated above, this petition, which has been filed with *malafide* intention to create communal riots, appears to be motivated one. Therefore, considering the said aspect, this Court is inclined to dismiss the present petition with huge cost.

16. Accordingly, this writ petition is dismissed. The petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the Tamil Nadu Legal Services Authority, Chennai, within a period of 4 weeks from the date of receipt of a copy of this order, failing which, the 1<sup>st</sup> respondent-District Collector is directed to initiate revenue recovery proceedings against the petitioner and pay the amount as stated above. Consequently, the connected miscellaneous petition is also closed.

**04-03-2026**

nsa

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The District Collector  
Thiruvallur District, Thiruvallur.

2.The Commissioner  
Thiruverkadu Municipality,  
Thiruverkadu.

3.Raghu @ Ramachandran



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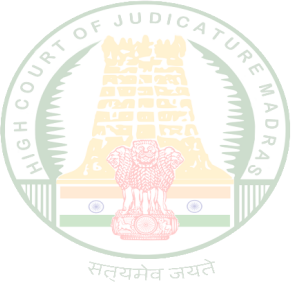
S/o. Mr. Yoganandan, No.128, Avadi  
Main Road, Veeraraghavapuram, Near  
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**KRISHNAN RAMASAMY J.**  
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