

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.597 of 2015 and
M.P.No.1 of 2015

M.Thamizharasi

.. Petitioner

1.The Commissioner
Ouzhavarkarai Municipality
Puducherry 5.

2.Inspector of Police
Lawspet Police Station
Puducherry 5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents not to take possession of the vacant land bearing Plot Nos.3 and 4, situated at Kurinji Nagar, comprised in Kathaskar No.986/3, as per Settlement Re-Survey No.23/22, Kathaskar Nos.986/3/3/3/8/32, 986/3/3/13/32, 986/3/3/20/32 and 986/3/3/30/32 as per Patta No.416 measuring 2910 sq.ft., out of total extent 21 Ares of Saram Village, within the limits of Uzhavarkarai (Oulgaret) Municipality.

For Petitioner : Mr.J.Suresh

For Respondents : Mr.A.Tamilvanan, G.A.

ORDER

The petitioner prays for a writ of mandamus directing the respondents not to take possession of the vacant land bearing Plot Nos.3 and 4, situated at Kurinji Nagar, within the limits of Uzhavarkarai (Oulgaret) Municipality.

2. According to the petitioner, he has purchased the property in question and patta has also been granted in his favour. However, the respondent-Municipality appeared to have interfered with the possession without issuing any notice.

3. The learned Government Advocate appearing for the respondent - Municipality submitted that the area purchased by the petitioner was in fact declared as a road in the approved layout and unauthorisedly it has been put into plots and sold by the Promoter of the layout and having come to know of the same, appropriate

orders have been passed by the Municipality declaring it as a road. In any event, the petitioner is said to be in possession of the property. Therefore, the respondent-Municipality should issue notice to the petitioner, hear objections and thereafter, proceed in accordance with law.

4. In the light of the above, there will be a direction to the first respondent to issue show cause notice to the petitioner clearly setting out as to how the petitioner's possession is illegal. On receipt of the notice, the petitioner shall submit his objections and thereafter, after hearing the petitioner in person, the first respondent is directed to pass orders on merits and in accordance with law within a period of six weeks. Till then, status quo prevailing as on date shall be maintained.

Accordingly, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gms

To

1.The Commissioner
Ouzhavarkarai Municipality
Puducherry 5.

2.Inspector of Police
Lawspet Police Station
Puducherry 5.

1 cc to M/s. J. Suresh, Advocate. Sr. 8491

1 cc to Government Pleader cum Public Prosecutor, Sr. 8611

W.P.No.597 of 2015

EV (CO)

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