



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD) No.1434 of 2016

and

C.M.P.(MD) No.10876 of 2016

V.Muthuraj

.. Appellant/Respondent No.7

Vs.

- 1.Madura Coats Private Limited,
New Jail Road, Madurai,
rep. by its Authorised Representative
Mr.K.Govindaraj,
President,
Indian National Trade Union Congress,
New Jail Road,
Madurai-625 001. .. 1st Respondent/Writ Petitioner
- 2.The District Collector,
Madurai District,
Madurai-625 020.
- 3.The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai-625 020.
- 4.The Thasildar,
Tirupparankundram Taluk,
Tirupparankundram,
Madurai-625 002.
- 5.The Commissioner,
Madurai Corporation,
Tallakulam,
Madurai-625 002.



(2)

6.The Commissioner of Police,
Madurai City,
South Chitrai Street,
Madurai-625 001.

7.The Inspector of Police,
Tirunagar Police Station,
Tirunagar,
Madurai.

.. 2 to 7 Respondents/
Respondents No.1 to 6

Appeal filed under Clause 15 of Letters Patent against the order dated 30.10.2015 made in W.P.(MD) No.16013 of 2015 on the file of this Court.

Prayer in WP(MD). 16013/ 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration declaring that the Peace Committee Meeting proceedings dated 25.06.2015 of the 3rd respondent, in respect of conducting the weekly market on the 43 cents of vacant land belonging to the petitioner-Mill located in survey No.150/1 at the entrance of Harveypatti, Tirupparankundram Taluk, Madurai District is Null and Void and consequently, forbear the respondents or their men or agents from conducting the weekly Market or any other activity on the said 43 cents of vacant land and permit the petitioner to fence the said 43 cents land with Police protection based n representation dated 22.8.2015 of the petitioner within a limit to be fixed by this Honourable Court.

For Appellant .. Mr.T.Lajapathi Roy
For Respondents .. Mr.V,Raghavachari for R1
Mr.D.Muruganantham
Addl. G.P. for R2 to R4, 6 & 7
Mr.R.Murali for R5

JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

We have heard the learned counsel for parties.

2. What emerges is that according to the learned counsel for the appellant, Survey No.150/1 does not form part of the property, which vests with respondent No.1/original petitioner.

3. The learned counsel for respondent No.1 submits that having succeeded and obtained decree, execution proceedings have been filed, in pursuance where to, relevant land has to be handed over to respondent No.1. It is stated that the process of identification and handing over the land to respondent No.1 will occur in the execution proceedings.



(3)

4. We are, thus, of the view that there is no purpose in maintaining this appeal and it is in the execution proceedings, it will be decided whether this Survey No.150/1 has to be handed over to respondent No.1 or not.

5. We, thus, close the appeal in the aforesaid terms, leaving the parties to bear their own costs. Consequently, C.M.P.(MD) No.10876 of 2016 is also closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Madurai District, Madurai-625 020.
- 2.The Revenue Divisional Officer,
Madurai Revenue Division, Madurai-625 020.
- 3.The Thasildar,
Tirupparankundram Taluk,
Tirupparankundram, Madurai.
- 4.The Commissioner,
Madurai Corporation, Tallakulam, Madurai-625 002.
- 5.The Commissioner of Police,
Madurai City, South Chitrai Street, Madurai-625 001.
- 6.The Inspector of Police,
Tirunagar Police Station, Tirunagar, Madurai.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No.79219
+1 cc to M/s.V.Raghavachari, Advocate in SR.No. 78235
+1 cc to M/s.R.Murali, Advocate in SR.No. 78568
+1 cc to The Special Government Pleader in SR.No. 78970

BBR

CSL/PV/29.12.2016: 3P/11C

W.A. (MD) No.1434 of 2016
01.12.2016