

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.22595 of 2008

M.A.Muthurangan

.. Petitioner

Vs.

1. The Sub Collector/
Revenue Divisional Officer,
Mayiladuthurai.
2. The Tahsildar ,
Tahsildar Office
Mayiladuthurai
3. The Commissioner,
Mayiladuthurai Municipality
Mayiladuthurai

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of Certiorari calling for the records of the 2nd respondent in his proceedings No.1449/07 dated 09.09.2008 and quash the same and further forbearing the respondents 1 and 2 from disturbing petitioner's possession and enjoyment of the premises viz., Kala Coffee Bar in T.S.No.186, Ward No.3, Block No.6, Vijaya Theatre Road, (Town Extension), Mayiladuthurai, Nagapattinam District.

For Petitioner .. Mr.A.Muthukumar

For Respondents.. Mr.S.Gunasekaran,
Addl. Govt. Pleader for RR1 & 2

Mr.R.S.Selvam
for R3.

ORDER

The petitioner has approached this Court seeking the following reliefs:

''To issue a Certiorari calling for the records of the 2nd respondent in his proceedings No.1449/07 dated 09.09.2008 and quash the same and

further forbearing the respondents 1 and 2 from disturbing petitioner's possession and enjoyment of the premises viz., Kala Coffee Bar in T.S.No.186, Ward No.3, Block No.6, Vijaya Theatre Road, (Town Extension), Mayiladuthurai, Nagapattinam District.'

2. According to the petitioner, no proper notice was issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the petitioner is sought to be evicted from the premises on the basis of notice dated 09.09.2008 for the purpose of laying a public road.

3. In response, a detailed reply is filed on behalf of the respondents. In para-5 of the counter affidavit, it is stated that the encroachment had already been removed on 16.09.2008 itself and the road was put to use by the public from 16.09.2008 onwards. From this, it is clear that the notice as contemplated under the Land Encroachment Act had been issued, but the petitioner refused to receive the same. The petitioner has also approached this Court suppressing these material facts. More over, immediately after filing of the writ petition, it appears that the encroachment was removed as stated in para-5 of the counter statement.

4. Therefore, this Court is of the view that nothing survives for consideration in this writ petition and accordingly the writ petition is dismissed. No costs.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Collector/
Revenue Divisional Officer,
Mayiladuthurai.

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2. The Tahsildar ,
Tahsildar Office
Mayiladuthurai

3. The Commissioner,
Mayiladuthurai Municipality
Mayiladuthurai

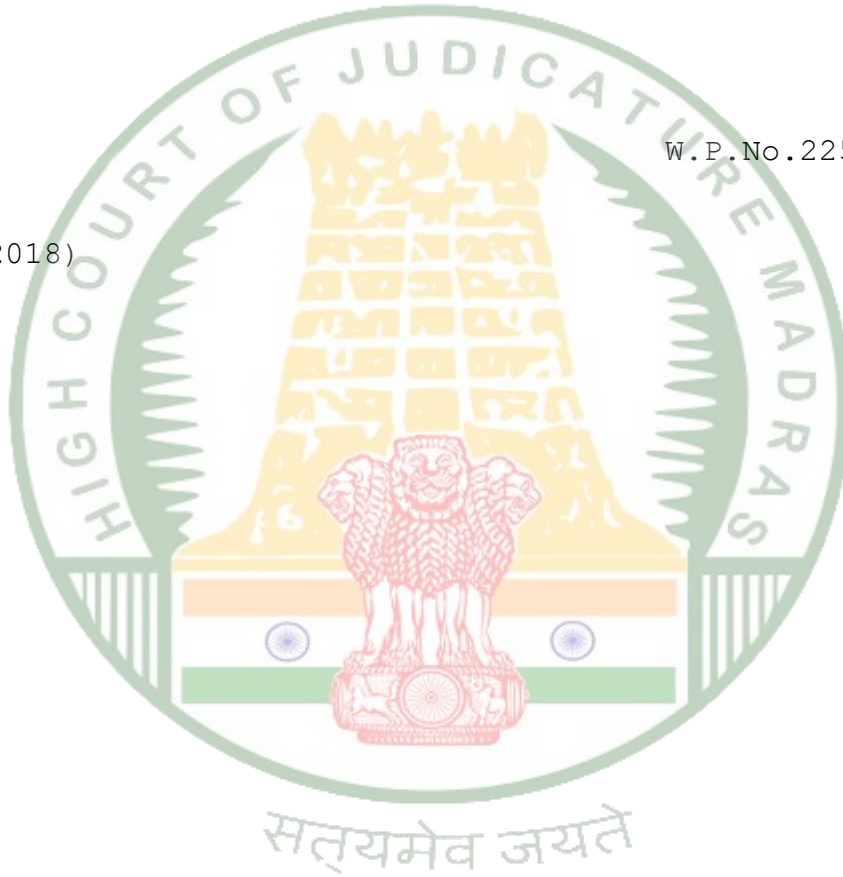
+1 CC to Govt. Pleader sr 90595.

+1 CC to Mr.R.S. Selvam, Advocate sr 90055.

+1 CC to Mr.A. Muthukumar, advocate sr 90033.

W.P.No.22595 of 2008

CA(CO)
SP(17/01/2018)



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