



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4158 of 2014

and

W.M.P. (MD) No.1 of 2014

V.Pal Chinniah

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 2nd respondent in Ref.No.NE5/10132/2013 dated 26.02.2014 and to quash the same as illegal.

For petitioner : Mr.C.M.Arumugam

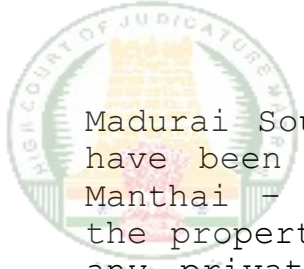
For R1 : Mr.M.Govindan
Special Government Pleader.

For R2 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader.

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner challenges the order dated 26.02.2014 issued by the Commissioner, Madurai Corporation, Madurai, informing that his request for keeping the eviction proceedings in respect of S.Nos.29 and 30 of North madurai Village, Madurai South Taluk, Madurai District in abeyance could not be accepted.



Madurai South Taluk, Madurai District belong to the Government and have been classified as Manthai - Puramboke. The classification Manthai - Puramboke clearly establishes the communal character of the property. It is enjoyed in common and it cannot be assigned to any private individual. In the present case, the said land is required for putting up a compound wall by the Madurai Corporation. Since, the land is required for Madurai Corporation, they had initiated eviction proceedings. The writ petitioner wants the said proceedings to be put on hold on the ground that he is pursuing the matter with the Revenue Authorities for issuance of patta.

3.Considering the nature of the land, patta cannot be issued in favour of the writ petitioner. The Madurai Corporation has rightly dismissed the request of the writ petitioner. There is no merit in this case. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

mm/sss

JS/KP/SAR.1/23.10.2017/2P-3C

ORDER MADE IN
W.P.(MD) No.4158 of 2014
and
W.M.P.(MD) No.1 of 2014
03.08.2017