



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.84 of 2014

S.Karnan

.. Petitioner

Vs.

1. The President,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.

2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.

3. Karmega Nadar

4. The Tahsildar,
Peraiyur Taluk,
Madurai District.

.. Respondents

(R4 is suo motu impleaded vide Court
order dated 03.08.2017 in W.P(MD).No.84 of 2014)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the third respondent in Karuppana Moopar Street, Ward No.9, T.Kallupatti, Peraiyur Taluk, Madurai District.

For petitioner	: Mr.PT.S.Narendra Vasan
For R1 & R2	: Mr.T.Gunaseelan Muthiah
For R3	: Mr.T.R.Jeyapalam
For R4	: 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 petitioner herein seeks removal of the encroachment made by the third respondent in Karuppana Moopar Street, Ward No.9, T.Kallupatti, Peraiyur Taluk, Madurai District. Earlier this Court suo moto impleaded the Tahsildar, Peraiyur Taluk,

Madurai District as the fourth respondent.

2. When the writ petition taken up for hearing, it was pointed out that the third respondent herein had filed S.A(MD). No.893 and 894 of 2013 and that they are still pending. This Court therefore adjourned the matter so as to await the outcome of the said second appeal. The said second appeals have since been dismissed by Judgment and decree dated 18.09.2017. On account of the dismissal of said second appeals, the stand of the third respondent that the property in question is not a common or public land cannot survive any further. We, therefore, direct the respondents 1 and 2 to remove the encroachment made by the third respondent in Karuppana Moopar Street, Ward No.9, T.Kallupatti. The said exercise shall be carried out within a period of six weeks from the date of receipt of a copy of this order.

3. Accordingly, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The President,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
2. The Executive Officer,
T.Kallupatti Town Panchayat,
T.Kallupatti, Madurai District.
3. The Tahsildar,
Peraiyur Taluk,
Madurai District.

- + 1 CC TO Mr.J.GUNASEELAN MUTHIAH, ADVOCATE IN SR No. 79759
- + 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 79636
- + 1 CC TO Mr.P.T.S.NARENDRAVASAN, ADVOCATE IN SR No. 79774

RMK/PJL

MK/MR-KKR/SAR-I : 11/10/2017 : 2P/7C