



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12201 of 2016

Labour Society Colony
Shree Chakra Nagar,
Residents Welfare Sangam
4/232, Rajaji Road, Madurai-17.
Represented by its President,
Mr.T.Jeyaveera Chandran,
Madurai-17.

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.Hajrath Khaja Syed Sulthan
Allavudeen Ayuliya Dargah
and Masjith-Goripalayam,
Madurai represented by
its Present A.M.Kasim Razv

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to take necessary action and consequently to safe guard the public park, play ground and water tank situated in the land bearing S.No.79/4 with an extent of 42 cents in Thirupalai Village, Madurai.

For Petitioner

: No Appearance

For R1

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

For R2

: Mr.T.S.Mohammed Mohideen

for Mr.N.Shanmuga Selvam

O R D E R

[Order of the Court was made by K.K.SASIDHARAN,J.]

The learned counsel for the petitioner seeks liberty of service. Counsel for respondents withdraw the writ petition, as according to him, the petitioner would represent the plaint before the District Munsif, Melur, which was returned for rectification.



2. Since the petitioner has complied with the defects pointed out by the Registry substantially, it was not correct to return the plaint, by giving new reasons. In fact, this Court has made it very clear that the entire defects should be pointed out by the Registry at the first instance and there should not be series of returns made by the Office of the Subordinate Court.

3. In case, the plaint is represented by the petitioner, the learned District Munsif, Melur is directed to number the suit and proceed in accordance with law. It is always open to the Trial Judge, to decide the maintainability of the suit, after the appearance of the defendant.

4. This writ petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The District Munsif,
Melur.

+1cc to M/S.R.Saravanan, Advocate SR.No. 77441
+1cc to M/S.N.Shanmuga Selvam, Advocate SR.No. 77613
+1cc to Special Government Pleader, SR.No. 78005

W.P.(MD) No.12201 of 2016
08.09.2017

sss/vs
JM/MR KKR/SAR 3/26.09.2017/2P/7C