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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.2803 of 2017

K.Irulayee

... Petitioner

-vs-

1.The Tahsildar,
Madurai North Taluk,
Madurai Collectorate Campus,
Madurai - 625 020.

2.The Commissioner,
Madurai Corporation,
Anna Maligai, Tallakulam,
Madurai - 625 002.

3.The Assistant Commissioner,
(Region - 2)
Madurai Corporation,
Anna Maligai, Tallakulam,
Madurai - 625 002.

4.The Additional Divisional Engineer,
TANGEDCO, 80 Feet Road,
K.K.Nagar, Madurai - 625 020.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents and their men and agents from in any manner interfering with the peaceful possession and enjoyment of the petitioner in the thatched hut in Door No. 133A, Middle Street now situated in T.S.No.80, Chellathamman Kovil Street, Managiri, Madurai.

For Petitioner : Mr.S.Chandrasekaran

For R - 1 : Mr.D.Muruganandam
Additional Government Pleader

For R - 2 & 3 : Mr.R.Murali

For R - 4 : Mrs.S.Srimathy

**O R D E R**

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to restrain the respondents from interfering with the peaceful possession of the petitioner in the property mentioned therein by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has advanced his argument on the basis of the averments made in the petition.

3.It is seen from the records submitted on the side of the Corporation that Survey No.22, Part-II has been classified as a street, whereas, in the records submitted by the first respondent it is stated that Survey No.22/1 has been classified as a channel. Further it is mentioned therein that the petitioner has occupied a portion of the same. The present Writ Petition has been filed stating that even without issuing notice as contemplated under law, the respondents are making arrangements to evict the petitioner.

4.Considering the nature of relief sought in the Writ Petition and also considering the classification of Survey No.22/1, this Court is inclined to pass the following order.

5.In fine, this Writ Petition is allowed without cost. However, the second respondent is at liberty to take action against the petitioner to remove encroachments alleged to have been done by her under due process of law. Consequently, WMP(MD) Nos.2306 & 2307 of 2017 are closed.

Sd/-

Assistant Registrar(C)

/True copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Madurai North Taluk,
Madurai Collectorate Campus,
Madurai - 625 020.

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+1 cc to M/s.S.Chandrasekaran, Advocate in SR.No. 10253
+1 cc to M/s.R.Murali, Advocate in SR.No. 10561
+1 cc to The Special Government Pleader in SR.No. 10465

mj

CSL/JM/SAR-I/02.03.2017 :3P/8C

W.P (MD) No.2803 of 2017
23.02.2017