



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.14408 of 2011
and
M.P (MD) No.1 of 2011

SP.Annamalai

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation, Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the explanation dated 28.11.2011 submitted by the petitioner and consequently permit the petitioner to use the land in Survey No.113/2 to access the 120 Feet road and consequently grant lease to the petitioner for using the portion of land in Survey No.113/2.

For Petitioner : Mr.K.Mahendran
for Mr.P.Arun Jayatram

For Respondent No.1 : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.2 : Mr.R.Murali
for Mr.G.R.Swaminathan

ORDER

[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 direct the respondents to consider the explanation dated 28.11.2011 alleged to have been submitted by the petitioner in respect of Survey No.113/2 and also to lease out the same in favour of the petitioner by way of issuing a writ of mandamus.



2.The learned counsel appearing for the petitioner has contended that abutting Survey No.113/2, the property of the petitioner is situate and under the said circumstances the petitioner has given an explanation on 28.11.2011 and the same has not been considered and therefore the present writ petition has been filed.

3.It is an admitted fact that Survey No.113/2 has been classified as a cart track. The main relief sought in the writ petition is to consider the explanation dated 28.11.2011 alleged to have been given by the petitioner. The auxiliary relief sought in the writ petition is to lease out Survey No.113/2 to the petitioner.

4.Considering the classification of Survey No.113/2, the auxiliary relief sought in the writ petition cannot be granted. However the Court can direct the second respondent to consider the explanation alleged to have been given by the petitioner on 28.11.2011 and to that extent this writ petition is liable to be allowed in part.

5.In fine, this writ petition is allowed in part without costs and the second respondent is directed to look into the explanation alleged to have been given by the petitioner on 28.11.2011 and pass appropriate orders within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner,
Madurai Corporation, Madurai.

+1cc to Mr.K.Mahendran, Advocate SR.NO.3696

+1cc to Mr.R.Murali, Advocate SR.No.4032

smn

sm:RR-BS:SAR 3:30.1.2017:2P/5C

ORDER MADE IN
W.P (MD) No.14408 of 2011
and
M.P (MD) No.1 of 2011
24.01.2017