



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

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

W.P. (MD) No.4108 of 2013

V.Shantha

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai- 600 009.

2.The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk, Chennai.

3.The Commissioner of Land Administration,
Chepauk, Chennai.

4.The District Collector,
Thiruchirappalli District,
Thiruchirappalli.

5.The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 3rd respondent made in Letter No.B2/13303/2017 dated 05.07.2010 and quash the same and consequently direct the respondents 1 to 4 to hand over the possession of the property comprised in Survey No.584/5, Savalur Village, Manapparai Taluk in favour of the Manapparai Municipality.

For Petitioner

: Mr.Pream Kumar
for Mr.M.Suresh Kumar

For Respondents 1 to 4

: Mr.M.Govindan
Special Government Pleader

For 5th Respondent

: Mr.J.Parekh Kumar



O R D E R

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

The writ petitioner challenges the order dated 05.07.2010, issued by the Commissioner of Land Administration, Chepauk, Chennai, rejecting the claim of Manaparai Municipality over the land in Survey No.584/5, measuring 1.22 acres in Manaparai. It was further directed therein that the said land should be kept under the control of the Government.

2.The case of the writ petitioner is that the land in question originally belonged to the Municipality. It came under encroachment. The encroachers were subsequently evicted. The third respondent has taken a decision that the municipality will not keep the land but that it should be with the Government.

3.The petitioner is directed to move the Government in this regard. The petitioner may submit a comprehensive representation before the Government. The Government is directed to take a decision thereon within two months from the date of receipt of a copy of the representation. If the Government comes to the conclusion that the original title vested with the municipality, it shall restore it to the Manaparai Municipality.

4.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai- 600 009.
 - 2.The Commissioner, Municipal Administration, Ezhilagam, Chepauk, Chennai.
 - 3.The Commissioner of Land Administration, Chepauk, Chennai.
 - 4.The District Collector, Thiruchirappalli District, Thiruchirappalli.
 - 5.The Commissioner, Manapparai Municipality, Manapparai, Trichy District.
- +1CC to Mr.P.Srinivas, Advocate, SR.No. 77877
+1CC to Mr.R.Murali, Advocate, SR.No. 77432
+1CC to the Special Government Pleader SR.No. 77835

ORDER MADE IN
W.P. (MD) No.4108 of 2013
07.09.2017