



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.9928 of 2013

and

M.P.(MD)No.1 of 2013

P.Jayachandran

: Petitioner

-Vs-

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Manamadurai,
Sivagangai District.

3.The Executive Officer,
Manamadurai Selection Grade,
Town Panchayat, Manamadurai,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the Respondents and their men, servants or agents or any of claiming under them from in any manner interfering or demolishing the property at Old Door No.10, new Door No.20, North Car Street, West Bank, Manamadurai, Sivagangai District.

For Petitioner : Mr.AR.L.Sundarasean
Senior Counsel
for M/s.AL.Ganthimathi

For Respondents : Mr.T.R.Janarthanan
Additional Government Pleader

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to forbear the Respondents and their men, servants or agents or any of claiming under them from in any manner interfering or demolishing the property at Old Door No.10, new Door No.20, North Car Street, West Bank, Manamadurai, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides. No counter is filed on behalf of the



Respondents 1 to 3.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, his father expired on 19.06.2004 and ever since his demise, the Petitioner is in absolute possession and enjoyment of the property. From the year 1993, the Petitioner and his family are in possession and enjoyment of the property and prior to that, from the year 1975, they are residing as tenants under the original owner.

5. The grievance of the Petitioner is that due to his shock and surprise, the second and third Respondents endeavoured to intrude into the property and attempted to demolish the property. It appears that from 17.06.2013, some encroachments in the said area were removed. Under the guise of removing the encroachments, it is the case of the Petitioner that the Respondents are trying to demolish his property. He had furnished the Registered Sale Deed, Property Tax Receipts and Electricity Consumption Cards and all the documents to establish that he is not an encroacher. Notwithstanding the same, the Official Respondents 2 and 3 have threatened to demolish his residential house and left the place on 19.06.2013, by informing that the house would be demolished on 20.06.2013.

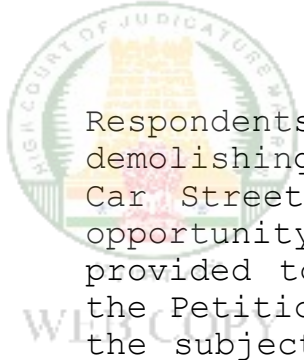
6. It transpires that the Petitioner had addressed a telegram to the third Respondent/Executive Officer, Manamadurai Selection Grade, Town Panchayat, Manamadurai, Sivagangai District stating that the Panchayat Officials on 19.06.2013 at 05.00 p.m. threatened to demolish the Petitioner's residential house bearing Door No.20, North Car Street, West Bank, Manamadurai, Sivagangai District. Further, he had informed that he is the lawful owner and had taken a plea that no notice was served on him and as such, the action was an illegal one and prayed for stopping of any demolition action.

7. It comes to be known that in M.P.(MD).No.1 of 2013 in W.P.(MD).No.9928 of 2013 filed by the Petitioner, by order, dated 20.6.2013, this Court had originally granted an order of *status quo*. Moreover, periodically, the interim order granted originally was extended from time to time.

8. Per contra, it is the submission of the Learned Additional Government Pleader appearing for the Respondents 1 to 3 that at present, there is no proposal to either interfere or demolishing the property at Old Door No.10, New Door No.20, North Car Street, West Bank, Manamadurai, Sivagangai District.

9. Recording the above said fact, this Court closes the present Writ Petition, as nothing survives for further adjudication.

10. Before parting with the case, this Court abundantly makes it quite clear that if any fresh endeavour is made by the



Respondents 2 and 3 to take necessary steps either in interfering or demolishing the property at Old Door No.10, New Door No.20, North Car Street, West Bank, Manamadurai, Sivagangai District, then an opportunity to receive the objections from the Petitioner must be provided to him and after receipt of the objections, if any, from the Petitioner, then to pass a reasoned, speaking order on merits in the subject-matter in issue. In that event, the Petitioner will be provided with adequate opportunity of hearing and also the petitioner is at liberty to raise all factual and legal pleas before the Respondents 2 and 3. If any order is to be passed, based on the objections to be given by the Petitioner, then the Respondents 2 and 3 shall look into the said objections, meet out the same and to pass a reasoned, speaking final order in the subject in issue.

11. With the above said observation(s)/direction(s), the Writ Petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Manamadurai,
Sivagangai District.

3.The Executive Officer,
Manamadurai Selection Grade,
Town Panchayat, Manamadurai,
Sivagangai District.

+1cc to M/s.AL.GANTHIMATHI Advocate in SR. No. 87742

PJL
JS/GT/SAR.4/30.11.2017/3P-5C

Order made in
W.P. (MD) No. 9928 of 2013
Dated: 16.11.2017