

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.01.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.28471 of 2013
and M.P.No.1 of 2013

R.Arumugam

...Petitioner

Versus

The Commissioner,
Namakkal Municipality,
Paramathy Road,
Namakkal - 637001,
Namakkal District.

... Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondent from laying any road in the patta lands in Ward-C, Block-15, Arunachalam Street, T.S.No.2/1 (New No.2/1A and 2/1B) Old S.F.No.239/1 Part, Namakkal in any portion belonging to the petitioner in area of 0.4658.0 sq.meter.

For Petitioner : Mr.Silambannan, Senior Counsel
for M/s.Profexs Associates

For Respondent : Mr.M.Rajamathivanan

O R D E R

This Writ Petition has been filed, seeking for a Writ of Mandamus to forbear the respondent from laying any road in the patta lands in Ward-C, Block-15, Arunachalam Street, T.S.No.2/1 (New No.2/1A and 2/1B) Old S.F.No.239/1 Part, Namakkal belongs to the petitioner.

2. The learned Senior Counsel appearing for the petitioner submitted that the land in dispute belongs to the petitioner. Since an attempt was made by the respondent-Municipality to lay a road in the patta land of the petitioner, a Civil Suit in O.S.No.4 of 2008 was filed against the respondent before the Additional District Munsif Court, Namakkal and the said suit was decreed on 11.04.2011. Since the respondent has not preferred any appeal, it becomes final.

3. The learned standing counsel for the respondent on instructions submitted that the respondent will not lay any road in the patta land belongs to the petitioner.

4. Heard the learned Senior Counsel for the petitioner and the learned Standing Counsel for the respondent and perused the materials available on record.

5. In the light of the above submission of the learned Standing Counsel for the respondent, no further adjudication is required in this writ petition. Hence, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To
The Commissioner,
Namakkal Municipality,
Paramathy Road,
Namakkal - 637001.
Namakkal District.

+1cc to MR.M.Rajamthivanan, Advocate Sr.No.3818

VD(CO)
sm:16.2.2018

W.P.No.28471 of 2013
and M.P.No.1 of 2013

WEB COPY