



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) Nos.16635 and 16636 of 2017
and
W.M.P.(MD) Nos.13236 and 13238 of 2017, 126 and 125 of 2018

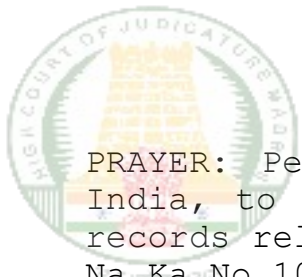
K.Muthu ... Petitioner in W.P.
16635/2017
P.Packianathan ... Petitioner in W.P.
16636/2017

-vs-

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Chief Town Planning Officer,
Madurai Corporation, Madurai.
- 3.The Assistant Commissioner,
Zone-II, Madurai Corporation,
Madurai.
- 4.The Assistant Commissioner of Police,
Anna Nagar, Madurai - 20.
- 5.The Inspector of Police,
Anna Nagar Police Station, Madurai.
- 6.I.Ranganathan
- 7.Palanichamy
- 8.A.Chandhini
- 9.A.Shahidha
- 10.G.Jawahar
- (RR8 to 10 are impleaded vide order dated
15.02.2018)

11.M.Balachandran
(R11 is impleaded vide order dated 01.03.2018
in W.M.P.(MD) Nos.20308 and 18256/2017

... Respondents



PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.102073/05272/17 dated 27.06.2017, quash the same and consequently forbear the respondents herein from any way interfering with the peaceful possession and enjoyment of the property in S.No.84/1A measuring 8 cents and 760 Sq.ft (in W.P.(MD) No.16635/2017) and 840 sq. ft(in W.P.(MD) NO.16636/2017) and 1687 sq. ft (in W.P.(MD) NO.16635/2017) and 2684 sq. ft.(in W.P.(MD) No.16636/2017) in S.No.84/1J2, Ward No.34, Sathamangalam Village, Madurai Town, apart from paying adequate compensation for illegal removal of superstructure of the respective petitioner.

In both petitions

For Petitioners

: Mr.C.Jegannathan for M/s.Veera Associates

For Respondents

: Mr.T.S.Md. Mohideen,
Additional Government Pleader for RR1 to 3
Mr.V.R.Shanmuganathan, Spl.G.P.
For RR4 and 5
Mr.M.Karl Marx, for RR6 and 7
Mr.S.Karthik for RR8 to 10
Mr.S.Chandrasekaran for R11

COMMON O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard the learned counsel for the parties and perused the materials available on record.

2.The sheet anchor of the case of the petitioners rested upon a lease deed said to have been executed by the 10th respondent. The 10th respondent has appeared before this Court through the counsel and made a categoric statement that he has never executed a lease deed in favour of the petitioners and whatever land owned by him has been fully cleared for the Madurai Corporation and no part of his property is remaining. Therefore, the entire edifice based on which the petitioner has built up the case has collapsed.

3.The respondents 8 and 9 also state through their counsel that they have not executed any lease deed in favour of the writ petitioners.

4.In view of the said undisputed factual position, no relief can be granted to the petitioners and the challenge to the proceedings of the first respondent dated 27.06.2017 has to necessarily fail and accordingly, these writ petitions stand dismissed.



5.The learned standing counsel appearing for the respondent Corporation submitted that an observation may be made to enable them to proceed further in the matter. In our considered view, such observation is superfluous as the respondent Corporation, being the guardian of such properties, which are vested with them, has to necessarily protect the interest of those properties, especially the entire sewage system is located near the said property. Therefore, the Corporation is at liberty to proceed further in the matter. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Chief Town Planning Officer,
Madurai Corporation, Madurai.
- 3.The Assistant Commissioner,
Zone-II, Madurai Corporation,
Madurai.
- 4.The Assistant Commissioner of Police,
Anna Nagar, Madurai - 20.
- 5.The Inspector of Police,
Anna Nagar Police Station, Madurai.

+One cc to The Special Government Pleader, SR.No.53021
+2 ccs to M/s.T.S.Mohammed Mohideen, Advocate, SR.Nos.52251 & 52250
+2 ccs to M/s.M.Karl Mark, Advocate, SR.Nos.52364 & 52391
+One cc to M/s.S.Karthik, Advocate, SR.No.52249
+2 cc to M/s.Veera Associates, Advocate, SR.Nos.52238 and 52239

Arul

RL/14c/3p/JC/SAR1/20/3/2018

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and

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