



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.13657 of 2009

and

M.P(MD)No.2 of 2009

WEB COPY

1.M.Vaiyalingam

2.M.Ponnuthai

... Petitioners

vs.

1.The Commissioner,
Municipality, Melur.

2.The Thasildar,
Melur Taluk,
Madurai District.

3.The District Collector,
Madurai,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to forbear the respondents authority from interfering into the peaceful possession and enjoyment of the petitioners' property in R.S.No.305/4B1 bearing present Town Survey No.200 of Melur Municipality to an extent of 77 cents and from forming a road in his patta property.

For Petitioners

: Mr.J.Alaguram Jothi

For R - 1

: Ms.N.Shanthi Priya

for Mr.J.Gunaseelan Muthiah

For RR 2 & 3

: Mr.M.Pandiarajan,

Additional Government Pleader

ORDER

This matter was listed today under the caption 'FOR DISMISSAL' and Mr.J.Alaguram Jothi, learned counsel on record for writ petitioners expresses regret and tenders an apology for non-appearance in the last hearing.

2.Apology accepted.

3.Mr.J.Alaguram Jothi, learned counsel on record for writ petitioners, Ms.N.Shanthi Priya, learned counsel representing Mr.J.Gunaseelan Muthiah, learned Standing Counsel on behalf of first respondent and Mr.M.Pandiarajan, learned Additional Government Pleader on behalf of respondents 2 and 3 are before this Court.



4. With consent of all the aforementioned learned counsel, main writ petition is taken up, heard out and is being disposed of.

5. This Writ Petition now turns on an extremely narrow compass.

6. '77 cents of land comprised in R.S.No.305/4B1 with the present Town Survey No.200 in Melur Municipality' (hereinafter referred to as 'said land' for brevity, clarity and convenience) forms subject matter of instant Writ Petition.

7. Instant Writ Petition has been filed by writ petitioners owing to their apprehension that said land (which according to writ petitioners belong to them) is likely to be taken away by the respondents for formation of road.

8. Today, aforesaid Standing Counsel for first respondent and State Counsel for respondents 2 and 3 submit that as of now, there is no proposal to acquire said land. This submission is recorded.

9. As this douses the anxiety / apprehension of the writ petitioners which is the sole and solitary basis on which instant Writ Petition is predicated, no further orders are required.

10. Instant Writ Petition is disposed of recording the aforesaid submission / stated position of respondents. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector, Madurai, Madurai District.
- 2.The Commissioner, Municipality, Melur.
- 3.The Thasildar, Melur Taluk, Madurai District.

+1 CC to SPL GP SR-94610.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate SR-94342.

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CS(06.11.2019) 2P 6C