



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.6980 of 2019andW.M.P.(MD).Nos.5571 and 5572 of 2019

S.Ponnammal

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Assistant Commissioner,
Zone No.3,
Madurai Corporation,
Madurai.

3. The Tahsildar,
South Taluk,
Madurai.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned letter in A2/41647/2017, dated 19.03.2019 issued by the second respondent and quash the same as illegal and consequently direct the third respondent to grant Patta to petitioner in respect of the property at Door No.4/93, Burma Colony, Chinthamani Village, Madurai District.

For Petitioner

: Mr.C.M.Arumugam

For R1 & R2

: Mr.R.Murali

Standing counsel

For R3

: Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM,J.)

Heard Mr.C.M.Arumugam, learned counsel for the petitioner,
Mr.R.Murali, learned Standing counsel for the respondents 1 and 2
<https://hcservices.ecourts.gov.in/hcservices/>
and Mr.V.R.Shanmuganathan, learned Special Government Pleader for
the third respondent.



2. This writ petition has been filed challenging the order of the second respondent dated 19.03.2019, in and by which the petitioner is directed to remove the encroachment.

3. The learned counsel for the petitioner would state that the land in dispute was originally under the control of Chinthamani Village. The petitioner's husband had put up construction in the land in the year 2000. However, in the year 2001, the area was merged with Madurai Corporation and thereafter, the petitioner was termed as an encroacher. It is further submitted that the petitioner has given an application for issuance of Patta, but without considering the same, now they attempt to remove the petitioner from the place .

4. Per contra, the learned counsel for the respondents would state that the property in Survey Nos.28/1 and 28/2 have been classified as public cart track and hence, there is no question of issuance of Patta in favour of the petitioner. According to the learned counsel for the respondents, mere pendency of the application would not prevent the authorities from taking proceedings to remove the encroachers.

5. Since this Court in W.P.(MD).No.21648 of 2018, issued direction to the respondents to remove the encroachment, based on the order, the eviction proceedings are initiated by the respondents. It is not in dispute that the petitioner is in occupation of the land, which has been classified as public cart track. So, we do not find any reason to interfere with the order impugned in this writ petition. The writ petition fails and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(A.S)

/True copy/

Sub Assistant Registrar(CS)

To

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Assistant Commissioner,
Zone No.3,
Madurai Corporation,
Madurai.



3. The Tahsildar,
South Taluk,
Madurai.

+1cc to Mr.C.M.Arumugam, Advocate in SR No.58822
+1cc to Mr.R.Murali, Advocate in SR No.58760
+1cc to Spl.Govt.Pleader, SR No.59272

W.P. (MD) .No.6980 of 2019

NM/PS/03.05.2019/3P/7C