



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13059 of 2018 and

W.M.P.(MD)No.11927 of 2018

C.Elangovan

... Petitioner

Vs.

The Commissioner,
Pudukkottai Municipality,
Pudukkottai.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent or his men from trespassing into the petitioner's Othi property in T.S.No.6109/24, Block No.93, with an extent of 0.0685.5 sq.mts in Patta No.8992 situate within the Municipality limits of Pudukkottai Municipality by considering the petitioner's representation dated 15.06.2018.

For Petitioner	: Mr.K.Baalasundharam
For Respondent	: Mr.P.Mahendran

ORDER

Heard the learned counsel on either side.

2. The Writ petitioner's specific case is that the petition mentioned property belongs to him and that without any manner of right or title, the respondent Municipality is attempting to trespass into the same for putting up a Children Park. The Writ petition was filed in June 2018.

3. When the matter was taken up today for final hearing, in the meanwhile 80% of the work has already been completed. That apart disputed questions of fact have arisen. The Municipality would claim that the petition mentioned plot has been earmarked only as a Children Park in their municipal records. This is strongly contested and denied by the Writ petitioner.

4. In such a situation, the appropriate forum to be approached is only the jurisdictional civil Court. Taking note of the subsequent developments, the Writ petitioner's prayer may also have



to be amended and moulded. Therefore, giving liberty to the petitioner to move the civil Court, this Writ petition stands closed. It is made clear that this Court has not gone into the merits of the matter.

5. The learned counsel appearing for the Writ petitioner states that he would move the civil Court within a period of three weeks. If such a suit is filed within a period of three weeks, the Court below shall dispose of the same on merits and in accordance with law within a period of eight months, thereafter. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS II)

pmu
To
The Commissioner,
Pudukkottai Municipality,
Pudukkottai.

+2 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-59440[F] dated 05/04/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-59673[F] dated 08/04/2019)

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DS/ /SAR- (10.04.2019) 2P 5C