

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

WA(MD) No.160 of 2019
in
WP(MD). No.24492 of 2018

K.SHANMUGANATHAN ... APPELLANT/3rd RESPONDENT

Vs

1 R.SIVAN RESPONDENT/WRIT PETITIONER

2 THE SUB COLLECTOR,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT,
TIRUNELVELI. RESPONDENT/1st RESPONDENT

3 THE TAHSILDAR,
RADHAPURAM TALUK,
TIRUNELVELI DISTRICT. RESPONDENT/2nd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Prefer this Memorandum of Grounds of Writ Appeal before this Honourable Court as against the order made in W.P(MD) No.24492 of 2018 dated 29.01.2019 passed by the Honourable Mr.Justice.G.R.Swaminathan for the following among other grounds.

PRAYER IN WP(MD). No.24492 of 2018:

To call for the records relating to the impugned order being Moo.Mu.A1/5423/2018 dated 20.08.2018 and quash the same as illegal and arbitrary and consequently directing the first respondent to prescribe a proper time framed within which the possession of the shop situated at Door No.65C, Kandhan Complex, Main Road, Opp to Valliyoor New Bus Stand, Valliyoor, Tirunelveli District be restored to the petitioner to enable the petitioner to enjoy his tenancy right.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.PALANI VELAYUTHAM, Advocate for the petitioner and of MR.B.SARAVANAN, Advocate for Caveator, the court made the following order:-

Today, when the matter is called, the learned counsel appearing for the appellant would submit that he engaged a senior counsel to argue this matter on behalf of the appellant.

2. On 13.02.2019, after hearing both sides only, when this Court was about to dispose of this appeal, the learned counsel appearing for the appellant undertook to hand over the portion of the property bearing Door No.65/C, measuring to an extent of 100 sq. ft. to the respondent on or before 17.02.2019 and file an affidavit to that effect. But, the said undertaking has not been complied with by the appellant. In view of that, it would amount to contempt of Court.

3. While this Court was initiating suo motu contempt proceedings on the appellant, the learned counsel appearing for the appellant produced some photographs to show that the building has not been fully constructed and therefore, the appellant is not in a position to handover the possession. If it is so, time could be granted to the appellant, so that, building could be constructed and possession could be handed over by the appellant. In this regard, affidavit has to be filed. Only for the purpose of filing the affidavit, this appeal is posted to 07.03.2019 and not for arguing the case.

4. Post on 07.03.2019.

sd/-
05/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUB COLLECTOR,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT, TIRUNELVELI.

2 THE TAHSILDAR,
RADHAPURAM TALUK, TIRUNELVELI DISTRICT.

ORDER
IN
WA(MD) No.160 of 2019
IN
WP(MD) . No.24492 of 2018
Date :05/03/2019

JM/JC/SAR 1/06.03.2019/2P/3C