

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

WP (MD) No.14177 of 2019

and

WMP (MD) No.10648 of 2019

S.MURUGAN

... PETITIONER

Vs

1.THE DISTRICT COLLECTOR,
O/O.THE DISTRICT COLLECTOR OFFICE,
SIVAGANGAI DISTRICT.

2.THE EXECUTIVE OFFICER,
THIRUPPUVANAM TOWN PANCHAYAT,
THIRUPPUVANAM, SIVAGANGAI DISTRICT. ... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in ந.க.எண்.1087 / 2018 / அ1 dated 27/05/2019 and quash the same as illegal.

Prayer in WMP (MD) . 10648/ 2019 :

To grant an ad interim stay of operation of the impugned order passed by the 2nd respondent in his proceedings in ந.க.எண்.1087 / 2018 / அ1 dated 27/05/2019 pending disposal of the above Writ Petition.

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.M.AJMALKHAN, Senior Counsel for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of Mr.N.SHANMUGASELVAM, Additional Government Pleader for R1, the court made the following order:-

Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the first respondent and seeks time to file counter.
<https://hcservices.ecourts.gov.in/hcservices/>

2.Mr.M.Ajmalkhan, learned Senior Counsel appearing for the petitioner submitted that the impugned order of the second respondent cannot be sustained not only on the ground of violation of principles of natural justice and also on the reason of non-application of mind to the facts and circumstances of the case. According to the learned Senior Counsel, as on date, for the disputed property at S.No.1/6 in T.Nelmudikarai, Thiruppuvanam, Sivagangai District, patta issued by the revenue department stands in the name of the petitioner and therefore, the second respondent cannot presume as if the petitioner has encroached in the property and obtained planning permission to the same. He further contended that till this date, patta granted to the petitioner is in force and the revenue officials have not issued any proceedings for cancellation of the said patta so far.

3.Under the above stated facts and circumstances, the learned Senior Counsel seeks for interim protection during the pendency of the writ petition by contending that the housewarming ceremony is schedule to take place in the near future.

4.Considering the above stated facts and circumstances, there will be an order of interim stay of the impugned proceedings until further orders. The respondents are directed to file their counter within a period of two weeks.

5. Post the matter after two weeks.

sd/-

25/06/2019

/ TRUE COPY /

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

TO

- 1.THE DISTRICT COLLECTOR,
O/O.THE DISTRICT COLLECTOR OFFICE,
SIVAGANGAI DISTRICT.
- 2.THE EXECUTIVE OFFICER,
THIRUPPUVANAM TOWN PANCHAYAT,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

+1. C.C. to M/S.AJMAL ASSOCIATES Advocate SR.No.10559

ORDER IN

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and

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Date :25/06/2019