



WEB COPY

/

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
[THROUGH VIDEO CONFERENCING]**

**DATED : 19.08.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**

**and**

**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**REV.APLC(MD)No.64 of 2018**

**in**

**W.P.(MD)No.5197 of 2018**

P.Ponnusamy

... Petitioner/2<sup>nd</sup> Respondent

Vs.

1.R.Mathiyalagan

... Respondent/Petitioner

2.The Commissioner,  
Kadayanallur Municipality,  
Kadayanallur,  
Tirunelveli District.

... Respondent/1<sup>st</sup> Respondent

**Prayer:** Review Application filed under Order 47, Rule 1 & 2 r/w Section 114 of the Civil Procedure Code, against the order passed by this Court in W.P.(MD)No.5197 of 2018, dated 12.03.2018.

**Prayer in WP(MD) . 5197/ 2018 :**

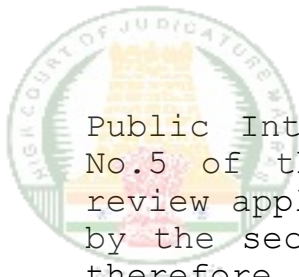
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to take action for removing encroachment made in Pillaiyar Kovil North Street, Mavadical, within Kadayanallur Municipality, by the 2nd respondent within a time frame by considering the representation received by the 1st respondent on 07/11/2017.

|                |                             |
|----------------|-----------------------------|
| For Petitioner | : Mr.R.Prem Narayan         |
| For Respondent | : Mr.D.Venkatesh<br>for R.1 |
|                | : Mr.M.Rajarajan<br>for R.2 |

**ORDER**

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The grievance expressed by the review petitioner, who is arrayed as second respondent in the writ petition is that the writ petitioner has got an axe to grind against them, since there are already disputes between them, by filing the Writ Petition as a



Public Interest Litigation and further pointed out that Paragraph No.5 of the impugned order, which is the subject matter of the review application, have not been complied with in letter and spirit by the second respondent/first respondent in the writ petition and therefore, prays for appropriate orders.

WEB COPY

2. This Court heard the submissions of the learned Counsel appearing for the first respondent/writ petitioner and the learned Standing Counsel appearing for the second respondent Municipality and also perused the notice dated 22.06.2018, in Na.Ka.No.1645/2018/A1, issued by the second respondent.

3. In the considered opinion of this Court, the said notice is not in compliance of the directions issued by this Court in paragraph No.5 of the impugned order, dated 12.03.2018, passed in W.P.(MD)No.5197 of 2018, which is the subject matter of the review application.

4. The learned Standing Counsel appearing for the second respondent Municipality would submit that the said notice will be withdrawn and thereafter, notice, in accordance with law, will be issued in compliance of paragraph No.5 of the above said order.

5. The learned Counsel appearing for the review applicant is also not having any objection to the said course to be adopted by the second respondent Municipality.

6. In the result, the Review Application is disposed of and the second respondent Municipality shall withdraw the notice dated 22.06.2018 and issue fresh notice in accordance with law and in compliance of paragraph No.5 of the order dated 12.03.2018, passed in W.P.(MD)No.5197 of 2018 and if any infraction is noted, the second respondent is always at liberty to adhere to the provisions of law as well as the principles of natural justice and take action in accordance with law. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS )

To

The Commissioner,  
Kadayanallur Municipality,  
Kadayanallur, Tirunelveli District.



WEB COPY

+1 CC to Mr.M.RAJA RAJAN, Advocate ( SR-82513[F] dated 20/08/2019 )

**REV.APLC(MD)No.64 of 2018**

**in**

**W.P.(MD)No.5197 of 2018**

**[THROUGH VIDEO CONFERENCING]**

**19.08.2019**

**ssl**

MK (16.09.2019) 3P 4C