



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD)No.7358 of 2020
and
W.M.P. (MD)No.6807 of 2020

R.Sakthivel

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai-2.

2.The Special Deputy Tahsildar,
(Land Acquisition),
Madurai North Taluk,
Madurai-20.

3.The Regional Engineer,
Tamil Nadu Highways Department,
Office of the Regional Engineer,
Madurai-2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to threat the petitioner from demolishing the building in Ward No.9, Door No.8D/2 and Tax No.35622, Singampitari Kovil Street, Madurai-18, without any notice or acquisition as per the representation of the petitioner dated 22.06.2020.

For Petitioner

:Mr.N.Madhava Govindan

For R1

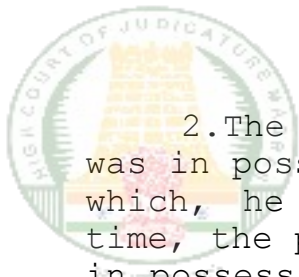
:Mr.J.Gunaseelan Muthiah
Standing Counsel

For R2 & R3

: Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition is filed seeking direction to the respondents not to threat the petitioner from demolishing the building in Ward No.9, Door No.8D/2, and Tax No.35622, Singampitari Kovil Street, Madurai-18, without any notice regarding acquisition.



2.The case of the petitioner is that the petitioner's father was in possession and enjoyment of the property in T.S.No.2469/1, in which, he constructed shops and residential houses. After some time, the petitioner constructed building in the year 2014 and he is in possession and enjoyment of the property for more than 40 years. Without any notice regarding acquisition, the respondents 2 and 3 threatened the petitioner to vacate the shop and house. Therefore, the petitioner submitted a representation to the first respondent. Since the same has not been considered so far, the present writ petition is filed before this Court.

3.The learned Government Advocate appearing for the second and third respondent, on instructions, would submit that the disputed subject matter of the property in Ward No.9, Door No.8D/2 is not belonged to the National Highways Department. Therefore, there is no threat from the second respondent for demolishing the said building as alleged by the petitioner. He further submitted that the relief sought for by the petitioner cannot be entertained at this stage.

4.Mr.Gunaseelan Muthiah, learned Standing Counsel, also stated that the aforesaid property is not belonged to the National Highways Department.

5.Recording the submission of the learned Government Advocate appearing for the respondents 2 and 3, the relief sought for by the petitioner cannot be entertained and the allegation of the petitioner cannot be sustained. Hence, there is no prima facie case made out against the respondents in the writ petition. This Writ Petition is dismissed as not maintainable. However, if the petitioner has any grievance, the petitioner can seek remedy against the concerned Department, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Commissioner,
Madurai Corporation,
Madurai-2.

2.The Special Deputy Tahsildar,
(Land Acquisition),
Madurai North Taluk,
Madurai-20.

3.The Regional Engineer,
Tamil Nadu Highways Department,
Office of the Regional Engineer,
Madurai-2.

+1 CC to Mr.N. MADHAVA GOVINDAN, Advocate (SR-13385[F] dated
31/07/2020)

W.P. (MD)No.7358 of 2020
30.07.2020

VB (07.08.2020) 3P 5C