



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

**W.P(MD)Nos.13884 and 13888 of 2020
and W.M.P. (MD) Nos.11532 & 11535 of 2020**

Sundarammal ... Petitioner in W.P(MD)No.13884 of 2020

Palaniammal ... Petitioner in W.P(MD)No.13888 of 2020

Vs.

The Commissioner
Corporation of Madurai
Madurai 625 002

... Respondent in both W.Ps.

PRAYER in W.P.(MD) No.13884/2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to assign the land bearing S.No.122/1 to an extent of 6.2 meter x 3.4 meter situated at Ward No.38, Panthalkudi 6th Street, Sellur, Madurai on considering the petitioner family's long occupation, based on the petitioner's representation dated 17.08.2020, 26.09.2020 made to the respondent.

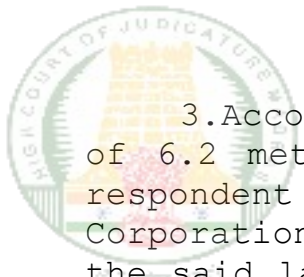
PRAYER in W.P.(MD) No.13888/2020: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to assign the land bearing S.No.122/1 situated at Ward No.38, Door No.8 Panthalkudi 6th Street, Sellur, Madurai 625 002 on considering the petitioner's long occupation, based on the petitioner's representation dated 17.08.2020, 26.09.2020 made to the respondent.

For Petitioners	: Mr.K.Kannan
For respondent	: Mr.T.S.Mohammed Mohideen standing counsel

COMMON ORDER

These writ petitions have been filed for issuance of a direction to the respondent to assign the land bearing S.No.122/1 to an extent of 6.2 meter x 3.4 meter situated at Ward No.38, Panthalkudi 6th Street, Sellur, Madurai on consider the petitioner family's long occupation, based on the petitioner's representation dated 17.08.2020, 26.09.2020.

2.Heard the learned Counsel appearing for the petitioners and the learned standing counsel for the respondent Corporation.



3. According to the petitioners, they are entitled to an extent of 6.2 meter x 3.4 meter land at S.No.122/1. The action of the respondent in not providing the land within the limits of the Corporation, Madurai is bad in law and that since they are occupying the said land, they shall not be evicted. Since the petitioners are working under the respondent Corporation and that they have been in the possession of the property for more than 40 years, they sent representation dated 17.08.2020 to the respondent Corporation to consider their case. Since their representations have not been considered, the petitioners are before this Court with these writ petitions with the aforesaid prayer.

4. The learned standing counsel for the Corporation would submit that already eviction notice has been issued, which has become final and without challenging the eviction notice, the petitioners are before this Court. That apart, there is a suppression of fact that a civil suit in O.S.Nos.319 and 321 have been filed by the petitioners respectively to allot the respective land within the limits of Madurai Corporation and the said suits have been dismissed and hence, on the ground of suppression of facts, the learned counsel sought for dismissal of these writ petitions.

5. Taking note of the fact that the petitioners have suppressed the fact that the suits filed by them have been dismissed and that they have been asked to vacate from the land in question and that the petitioners have not even questioned the eviction notice/order, they have no right whatsoever seeking for continuous occupation in the land mentioned supra. Hence, this Court is of the view that the petitioners are not entitled to the relief sought for. It is open to the respondent Corporation to take police assistance to remove them from the place in existence, in the light of the judgment of this Court in **Radhika Sri Hari v. The Commissioner of Police, Coimbatore** reported in **2014(2) CTC 685**. If there is any electricity supply and water supply to the site in question, the same can be disconnected forthwith.

6. With these observations, these writ petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

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/ /2020

Sub Assistant Registrar(CS)



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To:
The Commissioner
Corporation of Madurai
Madurai 625 002

+2 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-20012 & 20013[F]
dated 14/10/2020)

W.P(MD)Nos.13884 and 13888 of 2020

12.10.2020

SMV(CO)
TR(06.11.2020) 3P 4C