



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

**Wednesday, the Thirtieth day of June Two Thousand Twenty One
PRESENT**

The Hon`ble Mr.Justice T.S.SIVAGNANAM

AND

The Hon`ble Mrs.Justice S.ANANTHI

MP(MD) . No.3 of 2011

in

WP(MD) . No.1697 of 2011

- D. Durairaj, .. Petitioner/Proposed 3rd Respondent
Vs
1. S. Nallathangal .. 1st Respondent/Petitioner,
2. The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai Madurai- 625 002.
3. The Tamil Nadu Slum -
Clearance Board Reptd. by its Chairman
Kamarajar Salai
Chennai. .. 2nd and 3rd Respondent/Respondents

Prayer in MP(MD) . No.3 of 2011 :-

Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to permit the petitioner herein to implead as the 3rd respondent in WP(MD)No.1697 of 2011.

Prayer in WP(MD)No.1697 of 2011:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, call for the records relating to the proceedings of the 1st respondent dated 28/01/2011 and made in NF7/35210/09, quash the same.

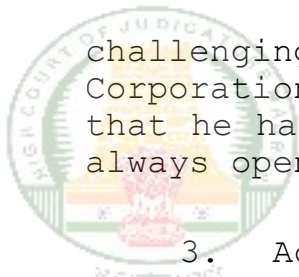
ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.Babu. Rajendran, Advocate for the Petitioner and of Thiru. A. Sivasubramanian, Advocate for the 1st respondent, Mr. R. Murali, Standing Counsel for the 2nd respondent and of Mr. P. Mahendran, Advocate for the 3rd respondent, this Court made the following order:

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The third party has filed this petition to implead him in the Writ Petition, stating that there is an encroachment in the water body.

2. In our considered view, a third party is neither a proper party to the writ petition, which has been filed

<https://hccs.courts.gov.in/>



challenging an eviction notice issued by the Madurai City Municipal Corporation. Therefore, if the third party namely Durai Raj, claims that he has got certain rights over the property in question, it is always open to him to workout his remedy in accordance with law.

3. Accordingly, this Writ Miscellaneous Petition stands dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/KMM

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 City Municipal Corporation,
Arignar Anna Maligai Madurai- 625 002.
2. The Tamil Nadu Slum -
Clearance Board Reptd. by its Chairman
Kamarajar Salai
Chennai.

+1 cc to Mr. Babu Rajendran, in Sr.No.20836

ORDER DATED : 30/06/2021

=====

ORDER

=====

MP(MD)No.3 of 2011

in

WP(MD). No.1697 of 2011

Giving direction and etc.
as stated within.

KB(23.07.2021) 2P 4C