



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.8765 of 2021

(Through Video Conferencing)

R.Manikandan : Petitioner

Vs.

1.The District Collector
Collectorate Complex,
Madurai.

2.The Revenue Divisional Officer,
Melur Main Road,
Y.Othakadai
Madurai.

3.The Tahsildar,
Madurai East Taluk
Y.Othakadai
Madurai District

4.The Revenue Inspector,
Kallanthiri
Madurai.

5.Krishnamoorthy : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to remove the construction which has been made by the 5th respondent in S.No.431/1 Mangulam Village, Madurai which has been classified as a public street in the revenue records.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

The petitioner by way of this Public Interest Litigation seeks for a direction upon the official respondents 1 to 4 to take action and remove the construction, which is being put up by the 5th respondent in a land, which is classified as 'ghij' (public Street).



2. Since we are disposing of this writ petition without notice to the 5th respondent, we are not inclined to issue any positive direction.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4, on instructions submitted that as on date, the classification of the land is "ghij" and the 5th respondent has applied for grant of patta, which is under consideration. Further, on account of public agitation in the area, the construction has been stopped.

4. In such circumstances, the official respondents are directed to ensure that no further construction takes place and it is open to the official respondents to process the application filed by the 5th respondent for grant of patta and while doing so, consider the objections raised by the petitioner and others in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

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Madurai.

3.The Tahsildar,
Madurai East Taluk
Y.Othakadai
Madurai District



4.The Revenue Inspector,
Kallanthiri
Madurai.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-18005[F] dated 29/04/2021)

+1 CC to M/s.SPL GP (SR-18270[F] dated 30/04/2021)

Order made in
W.P. (MD)No.8765 of 2021
Dated: 29.04.2021

RK(13.05.2021) 3P 7C