



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.14328 of 2020

and

W.M.P. (MD)Nos.11979 and 13458 of 2020

N.Nithiyakumar : Petitioner

Vs.

1.The District Collector,
Karur District, Thanthonimalai,
Karur.

2.The District Revenue Officer,
Karur District.

3.The Commissioner,
Karur Municipality,
Azad Road, Karur Town, Karur.

: Respondents

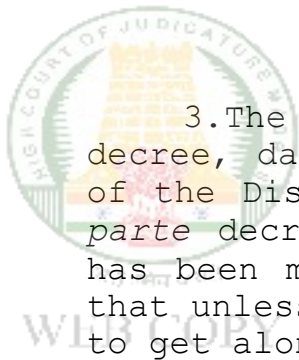
PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to forbear the respondents from constructing any drainage channel or any kind of construction in the property of the petitioner in S.F.331/4 of Inam Karur Village, Karur Taluk without due process of law.

For Petitioner	: Mr.R.Chandrasekar, Advocate
For R1 and R2	: Mr.S.Angappan, Government Advocate
For R3	: Mr.Chellapandian, Additional Advocate General Assisted by Mr.J.Senthil Kumariah, Standing Counsel

ORDER

Heard the learned Counsel on either side.

2.The petitioner wants this Court to forbear the respondents from putting up drainage channel or construction in the petition mentioned survey numbers.



3.The petitioner draws the attention of this Court to the decree, dated 06.02.1992 passed in O.S.No.375 of 1991 on the file of the District Munsif Court, Karur. Though the decree is an ex parte decree, it is not in dispute that till date, no application has been made to set aside the ex parte decree. I made it clear that unless the decree is set side, the respondent cannot be allowed to get along with the project.

4.The third respondent Municipality has filed a memo, in which, the following undertaking is given:

"4.It is submitted that on 14.10.2020, this Hon'ble Court has granted interim injunction and thereafter the municipality also has filed counter. In the interest of public, the municipality is abide to acquire the land bearing an extent of about 13.90 cents in S.No.331/4 by following the Land acquisition proceedings for purpose of constructing drainage and link road. It is pertinent to note that for acquiring aforesaid extent 13.90 cents from S.No.331/4, the value of compensation shall be fixed equally in par with the value of compensation going to be fix to nearby adjacent land owner namely Suresh Kumar in S.No.338/A."

5.As regards the remaining extent of land which is in the very same survey number, the rights of the parties will abide by the outcome of the civil proceedings. The present project can go on.

6.The Writ Petition is disposed of by recording the undertaking. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

/ /2021

Sub Assistant Registrar

To

1.The District Collector,
Karur District, Thanthonimalai, Karur.

2.The District Revenue Officer, Karur District.

+1 cc to Special Government Pleader, SR.No. 2008

+1. C.C. to M/S.K.SURESH, Advocate SR.No. 2070

W.P. (MD)No.14328 of 2020

22.01.2021

cmr

JM/SAR I/29.01.2021/2P/5C

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