



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Thursday, the Twenty Fifth day of July Two Thousand and Nineteen

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH

WMP(MD) . No.12717 of 2019

IN

WP(MD).No.14702 of 2019

MANIMEGALAI,

... PETITIONER

VS

1 THE COMMISSIONER,
PUDUKKOTTAI MUNICIPALITY, PUDUKKOTTAI.

2 DR.SALEEM

... RESPONDENTS

Prayer IN WMP(MD) . No.12717 of 2019:-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to appoint an Advocate Commissioner along with qualified engineer to ascertain the stability of the entire building situated in TS.No.3607/25 at Sathiyamoorthi Road, Opp to New Bus Stand, Pudukkottai.

Prayer in WP(MD).No.14702 of 2019 :

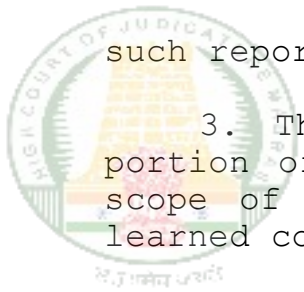
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records in pursuant to the order passed by the 1st respondent in Na.Ka.No.14299/2017/F1 dated 17/06/2019 and to quash the same as illegal and arbitrary .

ORDER:

Writ Miscellaneous Petition is coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of MR.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner, MR.P.MAHENDRAN, Advocate for the 1st Respondent and of MR.S.NIRANJAN KUMAR, Advocate for the 2nd Respondent, this Court made the following order:

The petitioner prays for appointment of Advocate Commissioner with assistance of qualified engineer to ascertain the stability of the entire building situated in T.S.No.3607/25 at Sathiyamoorthi Road, Opp New Bus Stand, Pudukkottai (tax assessment numbers are 24239, 25240 and 25241).

2. Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner, Mr.S.Niranjan S.Kumar appearing for R-2 / land owner and Mr.P.Mahendran, learned counsel appearing for R-1 / Commissioner Pudukkottai Municipality concur on the position that



such report would aid adjudication and disposal of the matter.

3. Though the writ petition concerns itself with only one portion of the building, the petitioner has sought to extend the scope of inspection to the entire building. None of the other learned counsel express any objection in regard to the same.

4. **Mr.A.Thiyagarajan [2009/08], A7, Law Chamber, High Court Building, Madurai, Cell No:97885 34214** and **Ms.B.Firdouse Begum [2412/12], No.85, Law Chambers, High Court Building, Madurai, Cell No:88388 66893** are appointed as Advocate Commissioners to jointly ascertain stability of the building situated in T.S.No.3607/25 at Sathiyamoorthi Road, Opp New Bus Stand, Pudukkottai. They are permitted to take the assistance of a qualified and experienced Engineer from PWD, Madurai.

5. Learned counsel for the first respondent will facilitate this arrangement and ensure that qualified and experienced Engineer from PWD, Madurai, is deputed for the assignment.

6. The inspection will be conducted on August 3rd and 4th being Saturday and Sunday and the Advocate Commissioners will submit a joint report within a period of two weeks thereafter.

7. All expenses for inspection, travel of the learned Advocate Commissioners, travel of the Engineer from PWD, Madurai and incidental expenses (to be vouched by the parties) shall be borne by the petitioner.

8. The petitioner will also make suitable arrangement for the accommodation of the Advocate Commissioners and the Engineer from PWD.

9. List on **21.08.2019**.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

TO

1 THE COMMISSIONER,
PUDUKKOTTAI MUNICIPALITY, PUDUKKOTTAI.

COPY TO

1.MR.A.THIYAGARAJAN [2009/08], A7, LAW CHAMBER, HIGH COURT BUILDING, MADURAI, CELL NO:97885 34214

2.MS.B.FIRDOUSE BEGUM [2412/12], NO.85, LAW CHAMBERS, HIGH COURT BUILDING, MADURAI, CELL NO:88388 66893



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TR (01.08.2019) 3P 4C

ORDER DATED : 25/07/2019

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ORDER

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WMP (MD) . No.12717 of 2019

IN

WP (MD) .No.14702 of 2019

Giving direction and etc.
as stated within.