



WEB COPY

W.P[MD]/No.14064 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.14064 of 2018

and

W.P(MD)Nos.12748 to 12750 of 2021

1.N.Nallakkani

2.A.Shahjahan

... Petitioners

Vs.

1.The District Collector,
Madurai District Collector Office,
Madurai - 625 020.

2.The Commissioner,
Melur Municipality,
Melur Taluk,
Madurai District.

3.The Tahsildar,
Melur Taluk,
Melur,
Madurai.

4.Mohammed Salif

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Na.Ka.No.28874/2017/J3 dated 15.06.2018 and quash the same and directing the 2nd respondent to consider the building plan dated 31.01.2018 for the construction of the building in Survey No.240/4 in A-Ward, 17-Block, T.S.No.28 within the stipulated period.

For Petitioner : Mr.A.Haja Mohideen

For Respondents 1 & 3 : Mr.K.P.Krishnadass,
Special Government Pleader

For 2nd Respondent : Mr.J.Gunseelan Muthiah,
Additional Government Pleader

For 4th Respondent : No Appearance



O R D E R

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

Heard Mr.A.Haja Mohideen, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents 1 & 3 and Mr.J.Gunseelan Muthiah, learned Additional Government Pleader appearing for the second respondent.

2.This Writ Petition has been filed challenging the proceedings of the District Collector, Madurai, dated 15.06.2018, which is an order directing the eviction of the encroached portions.

3.Though the learned counsel for the petitioner would make elaborate submissions with regard to the *inter-se* dispute between the petitioner and the private respondents and others, which is pending as a civil dispute in O.S.No.217 of 2008 on the file of the District Munsif Court, Melur, we find that the impugned order is a well reasoned order, after affording sufficient opportunity to all the parties concerned. In fact the proceedings, which led to the passing of the impugned order was on account of a direction issued in W.P(MD).No.9744 of 2017, wherein, the representation stating that there has been encroachment was directed to be considered and enquiry to be conducted and action be taken. Pursuant to the such directions, enquiry has been conducted and the action has culminated in the impugned order, dated 15.06.2018.

4.On going through the impugned order, we find there is no error in the decision making process, the petitioner has been given a sufficient opportunity to place the records and their submissions and taken note of and that the order has been passed. Therefore, we are not inclined to interfere with the impugned order. However, the findings given in the impugned order will not be in any manner prejudice the petitioner, who is the plaintiff in O.S.No.217 of 2008.

5.The learned counsel for the petitioner submitted that a direction may be issued to the learned District Munsif, Melur to dispose of the suit at an early date. We are not aware of the work load of the learned District Munsif, Melur, or we are aware of the present stage of the suit. Very recently the plaintiff has impleaded the Officials as a defendant in the suit. Therefore, we give liberty to the petitioner to request the learned District Munsif, Melur, for an early hearing.



6. With the above direction, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RM

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 District Collector,
Madurai District Collector Office,
Madurai - 625 020.
2. The Commissioner,
Melur Municipality,
Melur Taluk,
Madurai District.
3. The Tahsildar,
Melur Taluk,
Melur,
Madurai.

Copy to

The District Munsif, Melur.

+1 CC to M/s. J. GUNASEELANMUTHIAH, Advocate (SR-16562[F] dated 20/04/2021)

+1 CC to M/s. SPL GP (SR-16721[F] dated 20/04/2021)

ORDER MADE IN
W.P. [MD] No. 14064 of 2018
19.04.2021

RK (30.04.2021) 3P 7C

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