



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD)No.22404 of 2021

and W.M.P. (MD) No.18952 of 2021

R.Rajendran

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Thasildar,
Madurai South Taluk,
Madurai District.

4.The Assistant Engineer,
Corporation Office,
Tiruparankundram,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the Respondent No.2 from evicting the petitioner from his residential house situated in S.No.205/3, New D.No.4/2, Old No.66G/1B, Koodalmalai Street, Tiruparankundram, Madurai South Taluk, Madurai District, within the time frame stipulated by this Hon'ble Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent Nos.1	: Mr.B.Saravanan
& 3	Additional Government Pleader
For Respondent Nos.2	: Mr.K.K.Kannan
& 4	Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, forbearing the Respondent No.2 from evicting the petitioner from his residential house situated in S.No.205/3,



New D.No.4/2, Old No.66G/1B, Koodalmalai Street, Tiruparankundram, Madurai South Taluk, Madurai District.

2.Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of respondent Nos.1 and 3 and Mr.K.K.Kannan, learned Standing Counsel, accepts notice on behalf of respondent Nos.2 and 4.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.According to the petitioner, earlier his mother has obtained a decree for permanent injunction not to interfere with her enjoyment of the property without due process of law in O.S.No.84 of 2010, on the file of the II Additional Subordinate Court, Madurai. Now, the second respondent is trying to vacate them from the petition mentioned property. The contention of the petitioner is that though the property was originally outside the limits of Madurai Corporation, now Tiruparankundram has come within the Madurai Corporation, which is not a party to the above suit. Therefore, he has filed the present Writ Petition.

5.The learned Standing Counsel for respondent Nos.2 and 4 contended that they had only surveyed the road in front of the property of the petitioner and the nearby area for the purpose laying the road and the petitioner has filed this Writ Petition only on the apprehension that he would be evicted from his premises.

6.Be that as it may, any order of eviction of the petitioner, if he is otherwise found to be an encroacher or trespasser, should be only by following due process of law.

7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

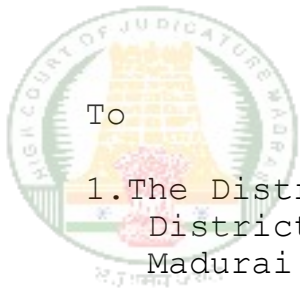
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Sub Assistant Registrar(CS)

Sj

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,
District Collector Office,
Madurai District.

2.The Thasildar,
Madurai South Taluk,
Madurai District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-39368[F] dated 17/12/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-39450[F] dated
20/12/2021)

+1 CC to M/s.SPL GP (SR-39502[F] dated 20/12/2021)

W.P (MD) No.22404 of 2021
17.12.2021

NSN (CO)
KB (31.12.2021) 3P 6C