



W.P.(MD) No.1955 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

CORAM:

**THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE S.ANANTHI**

W.P.(MD) No.1955 of 2021

Traffic Dr.K R Ramaswamy

... Petitioner

vs.

1. The Commissioner,
Madurai Corporation, Aringar Anna Maligai,
Thallakulam, Madurai-2.
2. The Director of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.
3. The Deputy Director of Town and Country Planning,
Hakkim Ajmalkhan Road,
Chinna Chokkikulam, Madurai.
4. The Chief Town Planning Officer,
Madurai Municipal Corporation,
Thallakulam, Madurai-2.



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5. Coats Viyella Employees Co-operative
Building Society, D.No.76/218, Theni Main Road,
P.P.Chavadi, Madurai-16. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider and take action on the petitioner's Representation/complaint dated 02-01-2021 sent by the petitioner to the respondents 1 and 3 also direct the 1st respondent to inspect the above mentioned OSR Land and will take measurement with help of the concern area land surveyor also remove the encroachments if any find and ensure the usage of public purpose and also direct the above mentioned society 5th respondent herein to hand over the said OSR Land Area to the Madurai Corporation by way of Gift deed with free of cost.

For Petitioner	: Mr.S.Ganesan
For R1 & R4	: Mr.R.Murali
For R2 & R3	: Mr.A.K.Manickam Special Government Pleader



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ORDER

[Order of the Court was made by The Hon'ble The CHIEF JUSTICE]

The writ petition has been filed seeking a direction on the respondents to inspect the OSR land and after measurement, remove the encroachments.

2. The petitioner has given a reference of the counter affidavit filed by the fourth respondent in a writ petition in W.P(MD)No.14451 of 2010.

3. According to the learned Special Government Pleader appearing for the respondent Nos.2 and 3 , the said writ petition was dismissed with liberty to avail a remedy of civil suit before the Civil Court.



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4. The present writ petition has been filed in reference to the counter affidavit in the said writ petition, but without a disclosure about the fate of the writ petition and even the subsequent dismissal of the appeal.

5. In view of the above, the issue raised in the writ petition has already been dealt with and requires no further direction, rather be governed by the order of this Court dated 13.03.2013 in W.P(MD)No.14415 of 2010.

6. Learned counsel for the petitioner has shown unawareness as to the order dated 13.03.2013 and the subsequent order of the Division Bench dismissing the same plea while relegating the litigant therein to invoke the jurisdiction of the Civil Court. The ignorance of the order has been urged despite the counter filed in the said writ petition and has been placed on record along with the petition.



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7. Thus, the ground would not be acceptable rather seems to be deliberate and to file the present writ petition for the same cause as was despite being dealt with earlier.

8. In view of the above, we order to govern this writ petition by the order dated 13.03.2013 in W.P(MD)No.14451 of 2010 and with the aforesaid, the Writ Petition is ordered to be closed. No costs.

[M.N.B., C.J.] [S.A.I., J.]
29.07.2022

Index : Yes / No
Internet : Yes / No
bala/ssl

To:

1. The Commissioner,
Madurai Corporation, Aringar Anna Maligai,
Thallakulam, Madurai-2.
2. The Director of Town and Country Planning,
807, Anna Salai,
Chennai-600 002.



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3. The Deputy Director of Town and Country Planning,
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THE HON'BLE THE CHIEF JUSTICE
and
S.ANANTHI, J.

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ORDER MADE IN
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