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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2022**

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

W.P. (MD) No.10545 of 2022

and

W.M.P. (MD) No.7675 of 2022

The Deputy Commissioner/Executive Officer,
HR & CE, Arulmighu Kallalagar Thirukovil,
Alagar Kovil,
Madurai District.

... Petitioner

Vs

1.The Commissioner of Land Administration,
The Office of the Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai.

2.The District Collector,
Madurai District.

3.The Tashildar,
Madurai North,
Madurai.

4.The Commissioner,
Corporation of Madurai,
Arignar Anna Maligai,
Thallakulam, Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 4th respondent forming or from laying Road inside and to change the physical features of the landed property under Survey No.595/2, 3, 4, 5, 6, 7 and 8 Madurai North, Tallakulam Village, Madurai Town and further direct the 1st respondent to pass orders on the proceedings pending under Na.Ka.No.1583/91/E1, pertaining to grant of patta to the petitioner for the properties under Survey No.595/2, 3, 4, 5, 6, 7 and 8 Madurai North, Tallakulam Village, Madurai Town.

For Petitioner : Mr.K.R.Laxman

For R1 to R3 : Mr.G.Sivaraja
Government Advocate

For R4 : Mr.K.K.Kannan
Standing Counsel



ORDER

Heard the learned counsel for the writ petitioner, learned Government Advocate for the respondents 1 to 3 and the learned Standing Counsel for the 4th respondent.

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2.The grievance of the petitioner is that the land belonging to his sub temple has been encroached upon by the respondent Corporation. The learned Standing Counsel would however contest the said assertion. Be that as it may, the petitioner had already moved the 1st respondent as early as in the year 2007. It is also seen that the petitioner had also filed O.S.No.306 of 1986 before the 1st Additional Sub Court, Madurai and obtained a decree on 27.01.1990. It is not an ex parte decree. It is stated by the petitioner that the said decree was not put to challenge and has become final. The petitioner has also filed an appeal before the 1st respondent on 31.01.2007.

3.The 1st respondent is directed to pass orders on the petition mentioned appeal on merits and in accordance with law. The 1st respondent will, of course, bear in mind the aforesaid decree dated 27.01.1990 made in O.S.No.306 of 1986 on the file of the 1st Additional Sub Court, Madurai. Such an order shall be passed within a period of 12 weeks from the date of receipt of a copy of this order.

4.Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Commissioner of Land Administration,
The Office of the Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai.



2.The District Collector,
Madurai District.

3.The Tashildar,
Madurai North,
Madurai.

4.The Commissioner,
Corporation of Madurai,
Arignar Anna Maligai,
Thallakulam, Madurai.

+1 CC to M/s.K.K. KANNAN, Advocate (SR-24345[F] dated 07/06/2022)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-24362[F] dated 07/06/2022)

+1 CC to M/s.SPL.GP (SR-24587[F] dated 08/06/2022)

W.P. (MD) No.10545 of 2022
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RD(14.06.2022) 3P 8C