



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.14366 of 2020

K. Ayyammal

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police, (L & O)
Karimedu Police Station,
Madurai City.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, by directing the 2nd respondent to remove and clear out all the vehicles inclusive of two wheelers, three wheelers and four wheelers allegedly involved in the criminal cases registered in his police station from the site assigned to the petitioner i.e. Plot No. 7, Old Survey No.994/1A, Ward No.5, Block No.33, T.S.No.116, Melmadurai Village, Arapalayam Main Road, Madurai - 625 016, as expeditiously as possible within the time stipulation as prescribed by this Hon'ble Court in the light of the petitioner's representation, dated 04.09.2020.

For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar
Government Advocate.

ORDER

The writ petition has been filed to direct the second respondent to remove and clear all the vehicles inclusive of two wheeler parked by the second respondent in the plot originally allotted in favour of the petitioner by the Government.

2. From the writ petition, it can be seen that the petitioner and others were given an assignment of the Government land previously. After sometime, it appears that as the condition of assignment has not been complied with, the assignment has been cancelled. Thereafter, it appears that the writ petitions have been filed in W.P.(MD)Nos.781, 333 and 3461 of 2017 by some of the assignees. This Court, by order, dated 01.04.2019, allowed the writ petitions and directed the Tahsildar to carry-out the work of



survey, measurement and demarcation of the assigned sites within a period of 12 weeks. On the basis of said order, now the writ petitioner seeks for a direction to remove all the vehicles parked by the Police Inspector.

3. It is brought to the notice of this Court by the Additional Public Prosecutor, the proceedings of the District Collector, dated 22.12.2016, show that an extent of 51 cents of Government land was allotted to various allottees, at the rate of 2 cent for each person. As the condition of assignment has not been complied with, the allotment has been cancelled later. Thereafter, the land has been transferred to the Police Department for construction of the C-5 Karimedu Police Station and further the proceedings of the District Collector also refers to the Writ Petitions in W.P.(MD)Nos.16066 to 16069 of 2015, dated 25.04.2016. The above orders have not been placed before this Court. However, from the proceedings, the Court can easily visualize that there were already previous writ petitions, which were also referred in the proceedings, dated 22.12.2016.

4. The land has been transferred to the Police Department for construction of C-5 Karimedu Police Station. It is also stated that now the State has also filed a Writ Appeal as against the order of this Court passed on 01.04.2019 in W.P.(MD)Nos.781, 333 and 3461 of 2017. The intra-court appeals are pending.

5. In such view of the matter, until the writ appeals are disposed of by the Division Bench of this Court, the petitioner prayer for direction cannot be granted at this stage.

6. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// 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 Police,
Madurai City.

2. The Inspector of Police, (L & O)
Karimedu Police Station,
Madurai City.

W.P. (MD) No.14366 of 2020
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