



W.P.(MD).No.20222 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20222 of 2014

S.Sevugaperumal

... Petitioner

-VS-

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Revenue Divisional Officer,
Madurai Division,
Madurai.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings மது1(ம2) /027064/14, dated 10.10.2014 and quash the same as illegal and consequentially to direct the respondents to issue patta in respect of the land situated in S.No.1347, T.S.No.3495 to an extent of 7353



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sq.feet, Jampurapuram Market, Goripalayam, Madurai District in the name of the petitioner.

For Petitioner : M/s. K.Krishna
For R1 & R3 : Mr.A.Sivanupandian
Government Advocate
For R2 : Mr.S.Vinayak

ORDER

The present writ petition has been filed challenging the order passed by the Executive Engineer, (Projects Madurai Corporation), under which the request of the petitioner for handing over of particular extent of land to the writ petitioner has been rejected.

2. According to the petitioner, the land in T.S.No.3495, old survey No. 1347 was allotted to his grand father as Inam land, as he belongs to the Panchama Community. A part of the said land ie., 630 sq.feet was acquired by the Madurai Municipality. However, the balance extent was encroached upon and occupied by the Municipality without any acquisition proceedings. The learned counsel for the petitioner further contended that in



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the occupied portion, Madurai Corporation had constructed toilet and they are enjoying the same without any documents. Hence, he had requested the Municipality to return the said property, after closing the toilet and other encroachments. This request has been rejected under the impugned order, on the ground that, for more than 90 years, the said property is in the usage of the Madurai Corporation and hence, his request cannot be entertained.

3. In the counter filed by the second respondent herein, the Corporation claims that this property belongs to the Corporation and the said land is being utilized for providing road, drinking water, under ground drainage and toilet facilities for the Jamburapuram settlement area. Hence, it is clear that there is serious title dispute between the petitioner and the Madurai Corporation. Hence, the said issue cannot be resolved invoking under Article 226 of the Constitution of India.

4. However, the petitioner is at liberty to approach the competent civil Court to establish his title over the property in dispute and recover possession of the same from Madurai Corporation, if he is so advised.



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5. In view of the above observation, this Writ Petition stands disposed
of. No costs.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR,J.

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