



WEB COPY



W.A.No.633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Appeal No.633 of 2023

N.Prabakaran

.. Appellant

Vs.

1. The Commissioner
Salem Corporation
Salem.

2. Thavamani

.. Respondents

Prayer: Appeal under Clause 15 of Letters Patent against the order dated 13.02.2023 made in W.P.No.361 of 2021.

For the Appellant : Mr.R.Nalliyappan

For the Respondents : Ms.N.Devi
Standing Counsel
for Respondent-1



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JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the order of the learned Single Judge dated 13.02.2023 made in W.P.No.361 of 2021.

2. It is the case of the appellant that the second respondent has encroached the public road and odai and constructed the building, without obtaining approval from the first respondent herein.

3. The learned Single Judge, on the basis of the report submitted by the Advocate Commissioner appointed by this Court, came to the conclusion that there was no encroachment in the Odai Poramboke land and that the prosecution has already been initiated by the learned Judicial Magistrate, Salem against the second respondent for constructing the building without obtaining permission from the authorities, dismissed the writ petition.

4. In view of the fact that action has been initiated before the learned Judicial Magistrate, Salem, against the second respondent for



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putting up construction, without obtaining proper permission, the learned Single Judge dismissed the writ petition. Hence, we do not find any reason to interfere with the order of the learned Single Judge. Accordingly, the writ appeal is dismissed.

(T.R., ACJ.) (D.B.C., J.)
21.03.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Commissioner
Salem Corporation
Salem.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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