



W.P.(MD) No.336 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.336 of 2023

and

W.M.P.(MD)No.327 of 2023

Murugaiyan @ Marimuthu

... Petitioner

-Vs-

1.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Thiruvaiyaru Taluk, Thanjavur District.

2.The Tahsildar,
Thiruvaiyaru Taluk, Thanjavur District.

3.The Head Surveyor,
Thiruvaiyaru Taluk, Thanjavur District.

4.S.Paramasivam

5.P.Chandra

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the record pertaining of the original impugned orders passed by the 1st respondent vide his proceedings in 21/2022/A-1 dated 05.12.2022 and quash the same as illegal.

For Petitioner : Mr.M.Saravanan
For R1 to R3 : Mr.K.Balasubramani
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The eviction notice dated 05.12.2022 issued by the 1st respondent is under challenge in this Writ Petition.

2.Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 to 3. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 4 and 5 is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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4.Today, when the matter was taken up for admission, the learned Special Government Pleader appearing for the respondents 1 to 3 has produced the proceedings of the 1st respondent, dated 09.01.2023 addressed to him and on instructions, submitted that on 07.01.2023, a survey has been conducted in the lands in question and the petitioner has also agreed that the measurement is perfectly correct and agreed to lay the road in the lands in question.

5.The aforesaid submission is not refuted by the learned counsel for the petitioner.

6.In view of the aforesaid submission made by the learned Special Government Pleader for the respondents 1 to 3, no further adjudication is required in this Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

To

- 1.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Thiruvaiyaru Taluk, Thanjavur District.
- 2.The Tahsildar,
Thiruvaiyar Taluk, Thanjavur District.
- 3.The Head Surveyor,
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