



WMP(MD) No.69 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

WMP(MD) No.69 of 2024

IN

WP(MD)No. 84 of 2024

MURUGANANTHAM.R

... PETITIONER/PETITIONER

Vs

1 THE SUB-COLLECTOR
PARAMAKUDI,
RAMANATHAPURAM

2 THE TAHSILDAR
PARAMAKUDI TALUK,
RAMANATHAPURAM

3 THE COMMISSIONER
PARAMAKUDI MUNICIPALITY,
RAMANATHAPURAM

4 JOHN PETER RAJ

5 SARAVANAN.N

... RESPONDENTS/RESPONDENTS

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the

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operation of the impugned order of the 1st respondent in Pa.Mu.(A3)5826/2023 dated 11.12.2023.

Prayer in WP(MD). 84/ 2024 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for records relating to the impugned order of the 1st respondent in Pa.Mu.(A3)5826/2023 dated 11.12.2023 and quash the same and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

ORDER : This Writ Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.H.ARUMUGAM, Advocate for the petitioner and of MRS.S.JEYAPRIYA, Government Advocate on behalf of the Respondents 1 & 2 and of MR.A.PRASANNA RAJADURAI, Advocate for the 3rd Respondent, the court made the following order:-

This miscellaneous petition is filed seeking to stay the operation of the impugned order of the first respondent in Pa.Mu.(A3)5826/2023 dated 11.12.2023, wherein, the first respondent cancelled the patta issued for the petitioner's land without issuing any notice to him and directed the second respondent to register the same as Park.

2. Heard Mr.H.Arumugam, learned Counsel appearing for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents 1 and 2 and Mr.A.Prasanna Rajadurai, learned Standing Counsel appearing for the third



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respondent/Municipality and perused the materials available on records.

3. It is seen that the property in question is the residential area, by name, Bharathi Nagar, Paramakudi, Ramanathapuram District. For the said area, lay out was approved in the year 1982 subject to the condition that the space earmarked for the school premises and the park and other open space should be maintained and the same should not be utilized for any other purpose. The property in question is belonged to the fifth respondent and he tried to construct a house. While so, the fourth respondent herein has filed the writ petition in W.P(MD)No.10398 of 2013 forbearing the fifth respondent herein from claiming him from converting the land in question, which is earmarked as park and water channel as per the layout approved by the second respondent, dated 20.09.1982, to any other purpose and seeking further direction to the respondents therein to maintain the said lands as park and water channel. This Court vide order dated 30.10.2015 directed the fourth respondent therein, the Commissioner, Paramakudi Municipality, Ramanathapuram District to initiate the proceedings to restore the land earmarked for park and water channel, by issuing notice to the petitioner and the fifth respondent herein and pass orders restoring the park and water channel. As against which, the fifth respondent herein

has filed the writ appeal in W.A(MD)No.1569 of 2016, which was dismissed by this

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Court on 22.12.2016. Pending proceedings, the fifth respondent sold the property to the petitioner suppressing the fact. Thereafter, by considering all the documents, the first respondent has passed the present impugned order cancelling the patta granted for the land in question.

4. In view of the above fact, this Court is not inclined to grant interim stay. Hence, notice to the respondents returnable by 22.01.2024.

sd/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO

1 THE SUB-COLLECTOR
PARAMAKUDI,
RAMANATHAPURAM

2 THE TAHSILDAR
PARAMAKUDI TALUK,
RAMANATHAPURAM

3 THE COMMISSIONER
PARAMAKUDI MUNICIPALITY,
RAMANATHAPURAM

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+1 CC to M/s.H.ARUMUGAM, Advocate (SR-141[I] dated 04/01/2024)

ORDER

IN

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IN

WP(MD)No. 84 of 2024

Date :03/01/2024

PKP/VR/SAR- /11.01.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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