



W.P.(MD).No.6029 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.6029 of 2024

and

W.M.P.(MD).Nos.5665, 5666 and 5668 of 2024

D.Karthikeyan

... Petitioner

Vs.

1.The Sub Collector,
(Revenue Divisional Officer),
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

3.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

4.John Peter Raj

5.N.Saravanan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order of 1st respondent in Pa.Mu(A3)5826/2023 dated 11.12.2023, quash the same and consequently forbearing the respondents herein from in any manner interfering with the petitioner's peaceful possession and enjoyment of the TS No.39/1A1A (Old RS No.92/1) in Ward G, Block - 24 Paramakudi Municipality, Ramanathapuram District.

For Petitioner : Mr.S.Srinivasa Raghavan
For R-1 & R-2 : Mr.T.Vilavan Kothai
Additional Government Pleader
For R-3 : Mr.A.Prasanna Rajadurai

ORDER

The petitioner challenges the impugned order dated 11.12.2023, whereby, his patta has been cancelled. The prime argument of the learned counsel for the petitioner is that the cancellation was without notice.

2. It is seen that one John Peter Raj, who is figured as a respondent in this Writ Petition, filed W.P.(MD).No.10398 of 2013 and it was disposed of on 30.10.2015 in the following terms:

“9. In the circumstances, the fourth respondent is directed to initiate proceedings to restore the land earmarked for park and water channel, by issuing notice to the petitioner and the sixth



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respondent and pass orders restoring the park and water channel, within a period of twelve weeks from the date of receipt of a copy of this order.”

Aggrieved by the same, W.A.(MD).No.1569 of 2016 was filed. The Writ Appeal was dismissed on 22.12.2016, by relegating the aggrieved individuals to go before the appropriate forum.

3. In these circumstances, the petitioner has filed a civil suit before the Sub Court, Paramakudi in O.S.No.36 of 2022. Since the cancellation was without notice to the petitioner and since the petitioner has already moved the Civil Court, I am inclined to grant breathing time to the petitioner.

4. This Writ Petition is disposed of in the following terms:

a) The impugned order shall be kept in abeyance and shall not be implemented for a period of twelve (12) weeks from the date of receipt of a copy of this order.

b) It is for the petitioner to obtain interim relief against the Municipality in the manner known to law. If the petitioner fails to obtain any interim order during this period, the impugned order will be enforced.



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c) Even if the impugned order is enforced, it will abide by the ultimate outcome of the suit filed by the petitioner herein.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

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

To

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(Revenue Divisional Officer),
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3.The Commissioner,
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G.R.SWAMINATHAN, J.

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