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W.P.(MD)NO.8406 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8406 of 2024 AND
W.M.P.(MD)No.7709 of 2024

R.Madhan

... Petitioner

Vs.

1. The Revenue Tahsildar,
K.Pudur, Madurai – 625 007.
2. The Head Surveyor,
K.Pudur, Madurai – 625 007.
3. The Assistant Commissioner,
Madurai Corporation, Madurai.
4. The Assistant Engineer,
Madurai Corporation, Madurai.
5. The Village Administrative Officer,
K.Pudur, Madurai – 625 007.
6. The Inspector of Police,
K.Pudur, Madurai – 625 007.
7. Saravanan
8. Saravanan Bhuvaneswari
9. Kalaiaarasi

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to reconstruct the illegally demolished portion of the building of old re-survey No.213/1 of Kossakulam Pudur Village, now ward No.44 in T.S.No.21/3 Tallakulam, Madurai and to pass an order of permanent injunction restraining the third respondent and fourth respondent from proceedings further in demolishing the remaining portion of the building in re-survey No.213/1 of Kossakulam Pudur Village, now ward No.44 in T.S.No.21/3 Tallakulam, Madurai, Madurai North Taluk, Madurai District which is assessed to property tax in tax assessment No.4108, new tax assessment No.115/012/900334 bearing door No.64, Kosakulam Main Road, Madurai – 625 007 of Madurai Corporation bearing with electricity connection in service connection Nos.050-060-082-020, 050-060-082-019, 050-060-082-2407.

For Petitioner : Mr.J.Alaguram Jothi

For R-1,R-2&R-5 : Mr.K.Balasubramanian,
Special Government Pleader.

For R-3 & R-4 : Mrs.S.Devasana,
Standing counsel.

For R-6 : Mr.A.Albert James,
Government Advocate.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for Madurai Corporation and the learned Special Government Pleader appearing for the revenue officials and the learned Government Advocate appearing for the sixth respondent.

2. The petitioner alleges that his building comprised in T.S. No.21/3 Thallakulam was illegally demolished.

3. The learned Standing counsel appearing for the Corporation categorically asserts that the encroachments in the road(T.S.No.3) alone were removed.

4. This submission made by the learned Standing counsel is placed on record. In order to assuage the concerns expressed by the writ petitioner, the first respondent is directed to conduct survey of T.S. No.21/3 Thallakulam. Notice will be issued to the petitioner, Corporation officials and other interested persons. The survey report along with sketch shall be served on the petitioner. If at the end of the survey, it is seen that the petitioner's building located in T.S.No.21/3 was also demolished. it is always open to the petitioner to move this Court again



for appropriate relief. With this liberty to the petitioner and the direction to the first respondent, this writ petition stands disposed of.

5. Survey will be done by the Tahsildar on 25.04.2024 from 9.00 onwards. Neither the petitioner nor the Madurai Corporation will receive any separate notice. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

Index : Yes / No

Internet : Yes/ No

PMU

To:

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