



C.M.P.[MD]No.6454 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Thirtieth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice G. ARUL MURUGAN

C.M.P.[MD]No.6454 of 2024
in
W.A.[MD]SR.No.33308 of 2024

P.SELVI

... PETITIONER/ APPELLANT

Vs

THE COMMISSIONER
MADURAI CORPORATION,
MADURAI.

... RESPONDENT/RESPONDENT

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to dispense with the production of the impugned order dated 18-04-2024 passed in W.P.(MD). No.6497 of 2024 on the file of this Honourable High Court pending disposal of the above writ appeal.

PRAYER IN WA(MD)SR.No.33308 of 2024:

Pleased to pass an order to set aside the order dated 18.04.2024 passed in WP (MD)No. 6497 OF 2024 on the file of the Hon'ble High Court of Madras, Madurai Bench by allowing this Writ Appeal.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the

<https://www.mhc.tn.gov.in/judis>



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arguments of MR.C.ARULVADIVEL @ SEKAR, Senior Counsl for M/S.RIGHT LAW ASSOCIATES, Advocate for the petitioner and of MR.K.K.KANNAN, Standing Counsel on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition has been filed to dispense with the production of certified copy of the order made in W.P.[MD]No.6497 of 2024, dated 18.04.2024.

2.The petitioner has produced the web copy of the impugned order and therefore, he seeks to dispense with the production of the same.

3.Considering the reasons stated in the affidavit, this petition is ordered on condition that the petitioner shall produce the certified copy of the said order, as and when it is made ready.

4.We have heard Mr.C.Arul Vadivel @ Sekar, learned Senior Counsel for M/s.Right Law Associates, appearing for the appellant and Mr.K.K.Kannan, learned Standing Counsel appearing for the respondent in W.A.[MD]SR.No.33308 of 2024.

5.Learned Senior Counsel contended that, if the proposed public toilet



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construction taken up by the respondent Corporation is permitted to go on, the entire ingress and egress of the appellant would get completely stalled, as they cannot enter into the road as the other three lands are only patta lands.

6.However, learned Standing Counsel appearing for the respondent Corporation would submit that, in the very same place, there has been a public toilet for 35 years and of course, after some years that has become dilapidated and not put in use. Now, the Corporation propose to construct a new toilet and also 300 families in the locality can very much utilise this public toilet, if it is constructed.

7.However, on verifying the field map or rough sketch filed on behalf of the appellant, we find that as of now, the property which is a contiguous one has been partitioned among the brothers and sisters of the appellant and the appellant's property is in the middle, from where there is no direct gate for ingress or egress available and if the proposed toilet is constructed that ingress and egress directly to the road would get affected. But at the same time, whether the appellant is having that kind of right or not can be decided only by the Civil Court. Any how, since the construction has to be commenced and it has to be progressed immediately, once it would have a direct bearing on the ingress and egress of the appellant, we deem it



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appropriate to post the appeal in the first week of June, 2024. Till such time, the status quo as on today shall be maintained. Once the counter affidavit with supporting documents is filed, a final decision can be taken in the main appeal filed as against the impugned order passed by the learned Judge.

8.Hence, the Registry is directed to number the main Writ Appeal, if it is otherwise in order and post the Writ Appeal for hearing on 06.06.2024. Till such time, the status quo as on today shall be maintained.

sd/-
30/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MR

TO

THE COMMISSIONER
MADURAI CORPORATION,
MADURAI.



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'COPY TO

- 1 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.RIGHT LAW ASSOCIATES, Advocate (SR-5207[I] dated 30/04/2024)

ORDER
IN
C.M.P.[MD]No.6454 of 2024
in
W.A.[MD]SR.No.33308 of 2024
Date :30/04/2024

PKP/JGB/SAR /06.05.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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