



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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Wednesday, the Twelfth day of June Two Thousand Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

**SUB A(MD). No.152 of 2024
in
CONT.P(MD)No.604 of 2024**

N.Meyyappan

Petitioner/Petitioner

Vs

**1 B.Ganesan, IAS.,
DIRECTOR OF TOWN AND COUNTRY PLANNING
Office of The Directorate Town and Country
Planning, E and C Market Road, Koyambedu
Chennai-600107.**

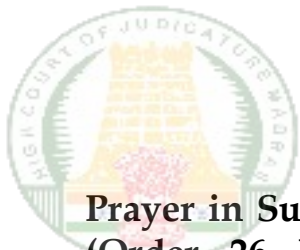
**2 P.K.Manju
ASSISTANT DIRECTOR / MEMBER SECRETARY
Office of The Directorate Town and Country
Planning, Madurai.**

**3 C.Dinesh Kumar
COMMISSIONER Madurai Corporation
Madurai.**

Respondents/Contemnors

**4 Madurai Central Market Vegetable
and Perishable Commodities Merchants
Co-ordinated Association, Rep. by its
President Dr.S.Manuel Jayaraj, 6/1
Integrated Vegetable Fruits Market,
Vilangudi,Paravai Post,
Madurai-625 402.**

4th Respondent/Impleaded 4th Respondent



Prayer in Sub Applc,(MD)No. 152 of 2024:Petition filed under Section 151 of CPC (Order 26 Rule 9 of CPC) Praying this Court to appoint an Advocate Commissioner to inspect the water body in TS.No.114 and the subject property in T.S.No.115 and T.S.Nos.116/1, 116/2 at Paravai Central Market, Vilangudi Pit-II, Madurai North Taluk, Madurai measure the 40 and 60 feet road, as per the original layout proceedings dated 31.12.2007 along with qualified Surveyor in the presence of Revenue Officials, Videograph the same with adequate police protection, prepare a detailed report with respect to encroached portion, prepare a detailed report with respect to encroached portion in 40 and 60 feet road, as per the original plan and thus render justice.

Prayer in Cont.Petition(MD)No.604 of 2024: Petition filed under section 11 of Contempt of Courts Act 1971,praying this court to punish upon the contemnors/respondents 1 to 3 for willful disobedience of the order passed by this Hon`ble Court in W.P.(MD).No. 26739 of 2023.

Prayer in WP(MD).No.26739 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 4th respondent to restore the patta in the name of the petitioner qua the lands comprised in S.Nos. 115/2, 115/3, 116/1A2, 116/1A3,116/2B2,115/1B,116/1A1B, 116/1A1D,116/2B1B and 116/2B1D Vilangudi Pit-II, Madurai North Taluk, Madurai and consequently to direct the 1st respondent to approve the revised plan qua the Paravai Market, Vilangudi, Madurai submitted by the petitioner association vide his application dated 04.08.2023 within the period that may be stipulated by this Court.

Order :

This Sub Application Petition is coming on for hearing on this day upon perusing the petition and affidavit filed in support thereof upon hearing the arguments of Mr. B. Prasanna vinoth Advocate for the petitioner and of Mr.D.Sasikumar Additional Government Pleader for respondents 1 and 2, M/s.S.Devasena Standing counsel for third respondent and Mr. J. Hariharan for KV Law Firm for fourth respondent, this court made the following order:

Sub Application (MD)No.152 of 2024 is allowed.



2. Mr.Raguvaran Gopalan, Ms.1632/2009, 9944312914, Plot No.7, Chinmaya Nagar, Thirumogur, Madurai 625 107 is appointed as Advocate Commissioner.

The function of the Advocate Commissioner will be to find out if 40 feet road and 60 feet road as per the original plan dated 31.12.2007 is presently retaining the character of the public road without any encroachment. A sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) shall be paid as remuneration.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

RMI

To

**1. MR.RAGUVARAN GOPALAN, ADVOCATE,
(ENROL.NO.1632/2009; CELL NO.99443 12914),
PLOT NO.7, CHINMAYA NAGAR,
THIRUMOGUR, MADURAI - 625 107.**

**2.The DIRECTOR OF TOWN AND COUNTRY PLANNING
Office of The Directorate Town and Country
Planning, E and C Market Road, Koyambedu
Chennai-600107.**

**3 The ASSISTANT DIRECTOR / MEMBER SECRETARY
Office of The Directorate Town and Country
Planning, Madurai.**



**4 The COMMISSIONER , Madurai Corporation
Madurai.**

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ORDER DATED : 12/06/2024

HEARING DATE : 08/07/2024

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ORDER
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**SUB A(MD). No.152 of 2024
in
CONT.P(MD).No.604 of 2024
Giving direction and etc.
as stated within.**

MK/27.06.2024 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023