



W.P.(MD) No.22486 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM:

THE HONOURABLE **MR.D.KRISHNAKUMAR,**

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.22486 of 2018

and

W.M.P.(MD)Nos.20348 & 22255 of 2018

M.Muthusamy

... Petitioner

-Vs-

- 1.The Secretary to Government,
Department of Municipalities,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai-600 009.
- 2.The Director of Municipalities,
State of Tamil Nadu,
Chepauk, Chennai.
- 3.The District Collector,
Madurai District, Madurai-625 020.
- 4.The Commissioner of Corporation,
Madurai Corporation, Annamaligai,
Madurai-2.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein not to close down the pathway of Madurai, Mathichiyam, North Street in Survey No.309, which is classified as road in the respondent's records and by considering the representation dated 26.10.2018.

For Petitioner : Mr.A.Jeyaram
For R1 to R3 : Mr.P.Thilakkumar,
Government Pleader
For R4 : Mr.K.Manisekaran

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

The learned counsel appearing for the 4th respondent, relying upon the counter affidavit, would submit that the land in T.S.No.309, which is a road, stands in the name of Corporation. However, one V.R.Veerappan filed two suits before the Sub Court, Madurai, seeking declaration and mandatory injunction against the Corporation not to interfere with the possession in respect of T.S.Nos.307, 308, 309, 313, 315, 414 & 415/1, which were decreed in favour of the said Veerappan. On First Appeal by the defendants, it was dismissed. Thereafter, the defendants filed Second Appeal in S.A.(MD)No.726 of 2013 before this Court, which is now pending.



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2.In such circumstances, we are of the view that since there is a title dispute with regard to the land in question, all these disputed facts cannot be decided by this Court in this Writ Petition. Therefore, this Writ Petition is dismissed. However, it is for the petitioner to workout her remedy in the manner known to law, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., A.C.J.] & [R.V., J.]
26.07.2024

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

Yuva

To

- 1.The Secretary to Government,
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