



W.P(MD)No.20162 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.20162 of 2018
and
W.M.P(MD)No.17919 of 2018**

A.Pandi

... Petitioner

VS.

- 1.The Commissioner,
Corporation of Madurai,
Madurai City,
Madurai.
- 2.The Assistant Commissioner (Incharge),
Zone-II, Corporation of Madurai,
Race Course Road,
Madurai.
- 3.The Tahsildar,
Madurai East Taluk,
Madurai District.
- 4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Land Acquisition Department (Unit-2),
District Collector Office Campus,
Madurai.

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice issued by the second respondent in M2A3/7314/18 dated 05.09.2018 and quash the same as illegal and consequently direct the respondents to consider the representation dated 07.05.2018 to change the classification of the petitioner's property found in old Survey No.128/2A1, new Survey Nos.128/72, 73 as house property instead of pathway and toilet.

For Petitioner	: Mr.C.M.Arumugam
For Respondent No.1	: Mr.K.Sivabalan
For Respondent No.2	: Mr.R.Murali
For Respondent Nos.3 & 4	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to quash the impugned eviction notice issued by the second respondent, dated 05.09.2018 and consequently to direct the respondents to consider the representation of the petitioner dated 07.05.2018 to change the classification of the petitioner's property found in old Survey No.128/2A1, new Survey Nos.128/72, 73 as house property instead of pathway and toilet.



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2.Today, when the matter was taken up for hearing, learned counsel appearing for the petitioner would submit that pending the Writ Petition, patta has been granted in favour of the petitioner and therefore, nothing survives for further adjudication in the Writ Petition. The learned counsel appearing for the petitioner seeks liberty to approach the authority concerned to change the classification.

3.In view of the submission made by the learned counsel appearing for the petitioner, the Writ Petition is dismissed as infructuous. However, liberty is granted to the petitioner to approach the authority concerned to change the classification in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
ps



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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