



WMP(MD) NO. 1220 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22-01-2025

CORAM
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

WMP(MD) NO. 1220 and 1222 of 2025
IN
WP(MD) NO. 1723 OF 2025

P. Subramanian
S/o Paramasivan Nadar, No.12, Ettamozhi Road,
Keeraikaranthattu, Mahadevankulam Post, Thisaiyanvilai
627657 Tirunelveli District.

...Petitioner in
both petition

Vs

1.The Commissioner
Radhapuram Panchayat Union, Tirunelveli District.

2.The Executive Officer,
Thisayanvilai Special Grade Town Panchayat,
Thisayanvilai - 627657,
Tirunelveli District.

...Respondent in
both petition

For Petitioner:

Mr.M.P.Senthil for
Mr.A.Mohamedhaneef

For Respondents:

Mr.N.Ramesh Arumugam,
Govt. Advocate for R1,
Mr. T.Amjadkhan,
Govt. Advocate for R2



WMP(MD) NO. 1220 of 2025

Prayer in WMP(MD). 1220/ 2025 :

Petition filed under Article 226 of the Constitution of India, praying this Court to appoint an Advocate Commissioner to find out whether the petitioners temporary shop is situated in Survey No. 17/1B/2A/1C, Thisaiyanvilai Village, Tirunelveli District with four boundaries as mentioned in Allotment order dated 30.08.1996 passed by the 1st Respondent in Na.Ka.No.A2/921/96 and order dated 24.07.2024 in Na.Ka.No. 454/2024 or Survey Nos.1B2A2 and 1C2B2, Thisaiyanvilai Village, Tirunelveli District and thus render justice.

Prayer in WMP(MD). 1222/ 2025 :

Petition filed under Article 226 of the Constitution of India, praying this Court to grant an INTERIM STAY of the operation of the impugned Notice passed by the 2nd respondent vide his Proceedings in Na.Ka.No. 454/2024, dated 13.01.2025 pending disposal of the above Writ Petition.

Prayer in WP(MD). 1723/ 2025 :

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records relating to the impugned Notice passed by the 2nd respondent vide his Proceedings in Na.Ka.No. 454/2024, dated 13.01.2025 and quash the same as illegal and to pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER

Mr.N.Ramesh Arumugam, learned Government Advocate takes notice for the first respondent and Mr.T.Amjadkhan, learned Government Advocate takes notice for the second respondent.



WMP(MD) NO. 1220 of 2025

WEB COPY

2. The petitioner had put up a temporary structure on ground rent basis in Survey No.17/1B/2A/1C. However, contending that the petitioner had put up a temporary shop in Survey No.1B2A2 and 1C2B2, the impugned order requiring to remove the said structure forthwith has been issued by the second respondent. The said exercise has been done without putting the petitioner on notice, despite the petitioner's undertaking that he has put up the shop only in Survey No.17/1B/2A/1C.

3. In view of the same, this Court is appointing the learned Counsel, Mr.Jeevin, N/S.2105/2021, Chamber No.118 (Phone No.6380852226), as an Advocate Commissioner to find out whether the petitioner's temporary shop is situated in Survey No. No.17/1B/2A/1C of Thisaiyanvilai Village, Tirunelveli District, with four boundaries as mentioned in the Allotment Order dated 30.08.1996 passed by the first respondent or the same is situated in Survey No.1B2A2 and 1C2B2 as claimed by the second respondent.

4. The remuneration for the Advocate Commissioner is fixed as Rs.25,000/- and the same shall be paid to the Advocate Commissioner.



WMP(MD) NO. 1220 of 2025

5. In the meanwhile, there shall be an order of interim stay.

Sd/-

Assistant Registrar (AE)

// True Copy //

23/01/2025

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

jbr

To

1. The Commissioner
Radhapuram Panchayat Union,
Tirunelveli District.

2. The Executive Officer
Thisaiyanvilai Special Grade Town Panchayat,
Thisaiyanvilai 627 657
Tirunelveli District

3. Mr. J. Jeevin
Chamber No. 118,
Madurai Bench of Madras High Court,
Madurai.

KR (23/01/2025) 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.