

PETITIONER:
SOWRASHTRA VIPRA SABHA

Vs.

RESPONDENT:
THE NAMAKKAL MUNICIPALITY & ANR.

DATE OF JUDGMENT: 04/11/1996

BENCH:
K. RAMASWAMY, G.B. PATTANAİK

ACT:

HEADNOTE:

JUDGMENT:

THE 4TH DAY OF NOVEMBER, 1996

Present:

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice G.B. Pattanaik

S. Sivasubramaniam, Sr. Adv., R. Nedumaran, V.G. Pragasam, Advs. with him for the appellant
R. Mohan, Sr. Adv. and T. Raja, Adv. with him for the Respondents.

O R D E R

The following Order of the Court was delivered:
Leave granted.

We have heard learned counsel for the appellant.

This appeal by special leave arises from the order of the learned single Judge of the High Court of Madras, mad on September 1, 1996 in SA No.2235/83.

The appellant had filed a suit for declaration of title and for perpetual injunction. The contention raised by the appellant was that the property being an estate he has perfected his title thereto. The case of the respondents is that it is a Pavadi land and after the abolition of the estate, it stood vested in the State free from all encumbrances. All the courts below have concurrently found that the appellant has no title to the property but he was in possession of the property. Accordingly, a direction was given to have him ejected in accordance with law. After the judgment was rendered by the High Court, the notice was given to the appellant on September 1, 1995 and they refused to receive the notice. As a result, on 2.9.1995, notice was served on the appellant by affixture and possession thereof was taken on 9.9.1995 under the provisions of Section 339(2) of the Tamil Nadu Municipal Act. Thus the land stood vested in the State after due ejectment by the appellant. It is stated that it is the part of the public bus stand and the site in question and that the public passenger buses enter through it. A plan was filed in that behalf marking in red the portion which is part of the bus stand. Under these circumstances, we do not think that it is a case warranting interference.

The appeal is accordingly dismissed. No costs.

JUDIS