

SOWRASHTRA VIPRA SABHA.
v.
THE NAMAKKAL MUNICIPALITY AND ANR.

A

NOVEMBER 4, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

Tamil Nadu District Municipalities Act, 1920.

S.339(2)—Pavadi land—Suit for declaration of title and perpetual injunction on the ground that the property being an estate, plaintiff perfected his title—Suit dismissed by all courts below—Notice served on plaintiff by affixure and possession of land taken—Held, the land vested in State after due ejectment of plaintiff—Not a fit case for interference by this Court.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 14779 of 1996.

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From the Judgment and Order dated 1.9.95 of the Madras High Court in S.A. No. 2235 of 1983.

S. Sivasubramaniam, R. Nedumaran and V.G. Pragasam for the Appellant.

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R. Mohan and T. Raja for the Respondents.

The following Order of the Court was delivered :

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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, made on September 1, 1996 in SA. No. 2235/83.

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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

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- A is that it is a Pavadi land and after the aboliton of the estate, it stood vested in the State free from all encumbrances. All the courts below have concurrently found that the appellatant 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 appellatant on September 1, 1995 and they refused to receive the notice. As a result, on 2.9.1995, notice was served on the appellatant 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 ejection by the appellatant. It is stated that it is the part of the public bus stand at 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.

D R.P.

Appeal dismissed.