

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.18315 of 2015

1. Nanjappan

... Petitioner

Vs.

1. The District Collector
Erode District, Erode.

2. The Tahsildar
Sathyamangalam Taluk, Sathyamangalam,
Erode District.

3. Ramasamy
S/o.Kondappanaicken,
2/81 Ramar Koil Street,
Kempanaickenpalayam,
Sathyamangalam Taluk
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to dismantle and remove the illegal encroachments made in S.F.No.393/21 as contended in the 2nd respondents letter dated 19.05.2015.

For petitioner : Mr. R. Vijayan

For respondents : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI,J.)

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondents to remove the illegal encroachments made in S.F.No.393/21 as stated in the 2nd respondents' letter dated 19.05.2015.

3. The case of the petitioner is that the third respondent had made an encroachment in S.F.No. 393/18 (Old S.F.No. 335) situated in Gobi Road, Sathyamangalam Sub Road, Sathyamangalam Taluk, Kembanaickenpalayam Village and the State Government/ Revenue Divisional Officer also directed the Tahsildar to take action on proper inspection, but, no steps have been taken till date.

4. On a perusal of the documents, we find that the third respondent has filed a civil suit being O.S.No. 23 of 2015 on the file of the District Munsif Court, Sathyamangalam, wherein, the third respondent, being the plaintiff, has sought permanent injunction restraining the defendant therein/ the petitioner herein from interfering with the peaceful possession and enjoyment of the same i.e. the suit property, as aforestated.

5. In that view of the matter, when the Revenue Divisional Officer has already directed the Tahsildar to examine the complaint and take necessary action and the relief sought in this petition is the subject matter of the pending civil suit before the competent jurisdictional civil Court, we are not inclined to entertain this writ petition.

6. As a sequel, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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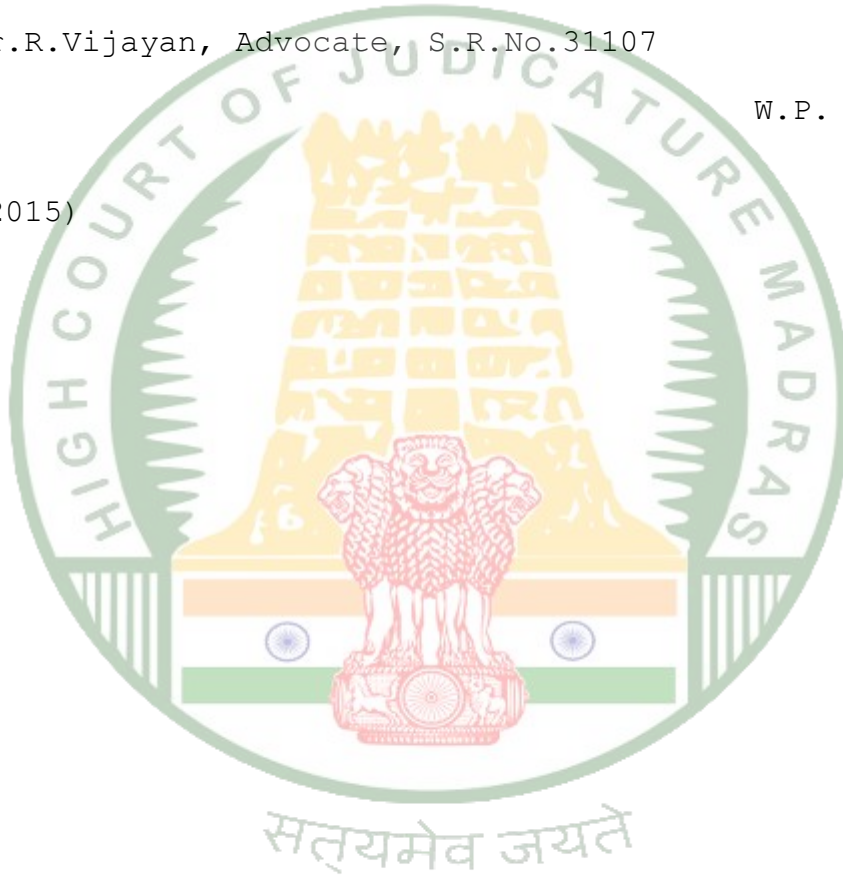
To

1. The District Collector
Erode District, Erode.
2. The Tahsildar
Sathyamangalam Taluk, Sathyamangalam,
Erode District.

+lcc to Mr.R.Vijayan, Advocate, S.R.No.31107

W.P. No.18315 of 2015

BVR(CO)
CA(07/07/2015)



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