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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.14648 of 2015

R.Madurai Veeran

... Petitioner

Vs.

1.The District Collector,  
Madurai.

2.The Block Development Officer,  
Thanakkankulam Panchayat,  
Madurai District.

3.The Panchayat President,  
Thanakkankulam Panchayat,  
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachments and Karvelam trees made on pathway in Survey Nos.47/1A1B1 47/1A2, Thanakkankulam village Madurai South Taluk, Madurai based on the representation dated 03.07.2015 preferred by the petitioner within the period.

For Petitioner

: Mr.V.P.Rajan

For Respondents

: Mr.A.K.Baskarapandian,  
Special Government Pleader.

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The petitioner seeks for the issuance of a Writ of Mandamus directing the respondents 2 and 3 to remove the encroachments and Karuvelam trees made on pathway in Survey Nos.47/1A1B1,47/1A2, Thanakkankulam village, Madurai South Taluk, Madurai District based on the representation of the petitioner, dated 03.07.2015.

2.When the matter came up for hearing, Mr.A.K.Baskarapandian, learned Special Government Pleader, on instructions submitted that the property mentioned therein does not belong to the panchayat, on the other hand, it is a private land. The petitioner in the guise of removal of karuvel trees wants to mulct the liability on the panchayat and expend cost for removal in the name of public interest.

3.At this juncture, learned counsel for the petitioner submits that the petitioner will bear the cost for removal of the karuvel trees.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The said submission made by the learned counsel for the petitioner

shows that it is a motivated writ petition and it seems to be abuse of process of Court for personal benefit.

5.The writ petition is dismissed accordingly. However, recording the apology tendered by the learned counsel for the petitioner, no cost is imposed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,  
Madurai.

2.The Block Development Officer,  
Thanakkankulam Panchayat,  
Madurai District.

3.The Panchayat President,  
Thanakkankulam Panchayat,  
Madurai District.

+1cc to Mr.V.P.Rajan,Advocate SR.No. 46418

+1cc to The Special Government Pleader, Madurai. SR.No.47159

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sms

NS/AAL-MPA/SAR-I/01.09.2015 : 2P/6C