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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.19164 of 2015

S.Sankar

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The District Revenue Officer,
O/o,the District Revenue Office,
Sivagangai District.

3.The Revenue Divisional Officer,
Manamadurai Division,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai,
Sivagangai District.

5.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Sarugani River Irrigation Channel Sub
Division, Sivagangai District.

6.Cauveri Thevar

7.Pandi

8.Ramaiah

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondent Nos.1 to 5 to remove the encroachment made in the Aathanoor Kanmai and Channel in Survey Numbers 80 to 103, 260 , 266(4), 268, 272, 273 situated at Aathanoor Kanmai, Keelapasalai Panchayat, Manamadurai Taluk, Sivagangai District.

For Petitioner

: Mr.T.Lajapathi Roy

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents 1-5

: Mr.M.Alagathevan,

Special Government Pleader.

**ORDER**

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

The petitioner has come forward with this writ petition, seeking for a direction to the respondents 1 to 5 to remove the encroachment made in the Aathanoor Kanmai and Channel in Survey Numbers 80 to 103 260 266(4) 268 272 273 situated at Aathanoor Kanmai, Keelapasalai Panchayat, Manamadurai Taluk, Sivagangai District.

2.From the averments made in the affidavit filed in support of this writ petition, it is clear that the relief sought for by the petitioner in this writ petition is to cancel the patta granted in favour of the respondents 6 to 8 and it cannot be granted as such. As the issue has already been decided by the authorities, it is for the authorities to decide the same in accordance with law. At this stage, we are not inclined to pass any direction in public interest except to give liberty to the authorities to proceed in accordance with law.

3.With the above observation, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Collectorate, Sivagangai District.
 - 2.The District Revenue Officer,
O/o,the District Revenue Office,
Sivagangai District.
 - 3.The Revenue Divisional Officer,
Manamadurai Division, Sivagangai District.
 - 4.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai, Sivagangai District.
 - 5.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Sarugani River Irrigation Channel Sub
Division, Sivagangai District.
- +1cc to Mr.T.Lajapathi Roy,Advocate Sr.No. 62452
+1cc to Spl.GOvernemnt Pleader Sr.No. 62541
sms
AA/NGM-SS/04.11.2015/2p-8c