

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.20125 of 2009

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ORDER :

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the action of the 3rd respondent in not taking any action in stopping the illegal construction being made by the 4th respondent encroaching the Gram Panchayat land as illegal and arbitrary and consequently direct the respondents 2 and 3 to take necessary steps forthwith to resume the Gram Panchayat land, allotted to the temple, already encroached by the 4th respondent.

2. On a perusal of the record filed by the petitioner it indicates that on 29-01-2009 itself the 3rd Respondent - Panchayat Secretary has issued a notice to the 4th respondent calling for him to stop the construction and also to produce all the relevant documents to establish his rights. Therefore, this Court is of the view that the 3rd respondent has already started taking action by way of issuing notice. Hence, the cause in the writ petition does not survive for adjudication.

3. Accordingly, the Writ Petition is disposed of as infructuous. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

27th February, 2015.

skmr