



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.21632 of 2015

and

M.P (MD) No.1 of 2015

A.Senthil

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Block Development Officer/The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

4.The Tahsildhar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

5.The President,
Nadupatti Village Panchayat,
Usilampatti Taluk,
Madurai District.

6.Mayan @ Mahadevan

7.Dharmadurai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action to prevent the 6th & 7th respondents from encroaching the petitioner's village road leading Usilampatti to Batlagundu Main Road, situated in Kattalaimayanpatti Village, Usilampatti Taluk, Madurai District and consequently direct the respondents 1 to 5 to take action to renovate the said road within the time stipulated by this Court and pass such further or other orders.



For Petitioner : Mr.N.Sathish Babu
For RR 1, 2 & 4 : Mr.G.Velmurugan,
Government Advocate.
For RR 3 & 5 : No appearance
For RR 6 & 7 : Mr.H.Lakshmi Shankar

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ORDER

[Order of the Court was made by **A.SELVAM, J.**]

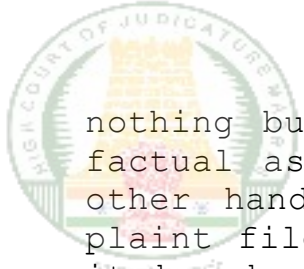
This Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, so as to direct the respondents 1 to 5 to remove the encroachments made by the respondents 6 and 7.

2.It is averred in the petition that the petitioner is a native of Kattalaimayanpatti Village. There is a Village road leading to Usilampatti - Batlagundu main road. Now, the respondents 6 and 7 have encroached the same. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that the property mentioned in the petition is nothing but a Village road and the same is leading to Usilampatti - Batlagundu main road and all of a sudden, the respondents 6 and 7 have encroached the same. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

4.The learned counsel appearing for the respondents 6 and 7 has contended to the effect that the property of respondents 6 and 7 is comprised in Survey No.148/6C and immediately on its Southern side a runnel is situate in Survey No.133 and the same has been converted into road without getting prior permission by the Villagers and now they made arrangements to encroach a portion which situates in Survey No.148/6C. Under the said circumstances, a civil suit in Original Suit No.217 of 2015 has been instituted on the file of the District Munsif cum Judicial Magistrate, Usilampatti. After filing the said suit, the present Writ Petition has been filed merely on the basis of false and untenable allegations and therefore, the present Writ Petition deserves to be dismissed.

<https://hcservices.ecourts.gov.in/hcservices/> The main contention putforth on the side of the petitioner is that the property mentioned in the petition is



nothing but a Village road. For the purpose of proving the said factual aspect, no revenue document has been filed. But, on the other hand on the side of the respondents 6 and 7, a copy of plaint filed in Original Suit No.217 of 2015 is submitted wherein it has been clearly stated that the respondents 1 to 15 therein are making arrangements to encroach in Survey No.148/6C. Further, on the side of the respondents 6 and 7 an FMB sketch has been submitted wherein it has been clearly stated that immediately on the Southern side of Survey No.148/6C, a runnel is situate and the same is comprised in Survey No.133.

6.Considering the aforesaid factual aspects and also considering that no document has been filed on the side of the petitioner that there is a Village road immediately on the southern side of the property of the respondents 6 and 7, it is needless to say that the Present Writ Petition is filed purely on frivolous grounds and therefore, the relief sought therein cannot be granted.

7.In fine, this Writ Petition is dismissed with costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

ps

To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tahsildhar,
Usilampatti Taluk,
Usilampatti, Madurai District.

+1cc to Spl.Government Pleader Sr.No. 80010

+1cc to Mr.N.Sathish Babu Advocate Sr.No. 80229

+2cc to Mr.H.Lakshmi Shankar Advocate Sr.No. 79866

JAM/27.12.16/RR/ 3p-8c

ORDER MADE IN
W.P (MD) No.21632 of 2015
and
M.P (MD) No.1 of 2015
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