



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.MANIKUMAR**

AND

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P. (MD) .No.4915 of 2016

and

W.M.P.No.4417 of 2016

P.Thamotharan

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk, Sankarankovil,
Tirunelveli District.

3.The Commissioner,
Kuruvikulam Panchayat Union,
Kuruvikulam Village, Sankarankovil Taluk,
Tirunelveli District.

4.The President,
Marudankinaru Panchayat,
Kuruvikulam Panchayat Union,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to comply with the order passed in W.P. (MD).No.4685 of 2010, dated 11.09.2015, by considering the redressal to keep the odai as such in the revenue records, by removing the encroachment of road formed in the odai which runs from Sayalmalai Hills to Maruthankinaru tank falls in S.Nos.1, 2, 5, 6, 16/4, 17/2, 20/1, 21/1, 21/3, 22/1, 38/1, 39, 42, 46/2, 47, 52, 53, 60, 61, 65, 66, 68, 69, 78/1, 78/19, 83/9, 101/1, 111, 112, 113, 114, 119, 122, 123, 124/5, 126, 127, 128, 129, 137, 138, 139, 143/2, 144, 145, 146, 166/12, 167/28, 168/4, 169, 176, 177, 179/2, 187, 188, 189/23 190/6, 193/2, 195/1, 199/17, 200/4, 203/1,



204/1, 211/1, 212/5, 220/1, 221/1, 222/1 224/3, 250/1, 253/3 and 253/8 in Maruthankinaru Village, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.F.X.Eugene
For Respondents : Mr.A.K.Baskararpandian
Special Government Pleader

O R D E R

[Order of the Court was made by **S.MANIKUMAR, J.**]

Material on record discloses that earlier, the petitioner filed W.P.(MD).No.4685 of 2010 with the following prayer:-

"To issue a Writ of Mandamus directing the respondents to keep the Odai as such in the revenue records by retaining the Odai as such with the both sides "F" lines without narrowing or blocking the Odai within the parallel "F" lines and if narrowed or blocked already by removing the same in the Odai which runs from Sayamalai Hills to Maruthankinaru Tank falls in S.Nos.1 2 5 6 16/4 17/2 20/1 21/1 21/3 22/1 38/1 39 42 46/2 47 52 60 61 65 66 68 69 78/1 78/19 83/9 101/1 111 112 113 114 119 122 123 124/5 126 127 128 129 137 138 139 143/2 144 145 146 166/12 167/28 168/4 176 177 179/2 187 188 189/23 190/6 193/2 195/1 199/17 200/4 203/1 204/1 211/1, 212/5, 220/1, 221/1, 222/1, 224/3, 250/1, 253/3 and 253/8 in Maruthankinaru village, Sankaranakoil Taluk, Tirunelveli".

2. A Hon'ble Division Bench of this Court, vide order dated 11.09.2015, passed the following order:-

"This writ petition has been filed seeking for a direction to the respondents to keep and retain the Odai, which runs from Sayamalai Hills to Maruthankinaru Taluk as such.

2. Though the petitioner has sought for the relief as above, the learned Counsel for the petitioner would submit that the representation of the petitioner dated 25.01.2010 may be directed to be considered by the first respondent.

3. Accordingly, without going into the merits of the petitioner's claim, the first respondent is directed to verify the nature of the complaint made by the petitioner and consider the representation of the petitioner dated 25.01.2010 on its own merit and in accordance with law, within a period of eight weeks. It



is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law".

3. In the present Writ Petition, he has prayed for a Writ of Mandamus to implement the said order. This Court is of the view that there cannot be any Writ of Mandamus to implement the order already passed in W.P.(MD).No.4685 of 2010, dated 11.09.2015, in and by which directions in the nature of a Writ of Mandamus have already been issued. While the scope of Article 226 of the Constitution of India in the nature of a Writ of Mandamus is explained, Mr.F.X.Eugene, learned counsel for the petitioner seeks permission of this Court to withdraw the present Writ Petition and he has also made an endorsement to that effect.

4. Recording the above, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO-Dept)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Tirunelveli District, Tirunelveli.
- 2.The Tahsildar, Sankarankovil Taluk, Sankarankovil, Tirunelveli District.
- 3.The Commissioner, Kuruvikulam Panchayat Union, Kuruvikulam Village, Sankarankovil Taluk, Tirunelveli District.
- 4.The President, Marudankinaru Panchayat, Kuruvikulam Panchayat Union, Tirunelveli District.

+one cc to The Special Government Pleader in SR.No. 14423

NB

CSL/NGM-SS/24.03.2016 :3p/6c

**ORDER MADE IN
W.P. (MD) .No.4915 of 2016
11.03.2016**