



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASHW.P.(MD) No.5902 of 2016

S.Baskar

... Petitioner

-vs-

1.The Tahsildar,
Taluk Office,
Thiruverumbur
Tiruchirappalli District

2.The Block Development Officer,
Panchayat Union Office,
Thiruverambur, Tiruchirappalli District

3.The Assistant Superintendent of Police,
Thiruverumbur, Tiruchirappalli District

4.The Superintendent of Police,
District Police Office,
Subramaniapuram
Tiruchirappalli.

5.The District Collector of Tiruchirappalli
Collectorate, Tiruchirappalli District

6.Sri Ramakrishna Matriculation School

Rep. by its Correspondent
1/518 Ayyampatti
Guntur Village, Thiruverumbur
Tiruchirappalli District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing to forbear the 3rd respondent from interfering with the process of removal of encroachment made by the 6th respondent in S.No.113/3B I.e. Arasu Poramboke Pathai, Ayyampatti, Guntur Village, Thiruverumbur Taluk, Tiruchirappalli District by helping them in putting up compound wall in the encroached area after removing the existing fence.

O R D E R

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This writ petition has been filed, seeking a direction to forbear the 3rd respondent from interfering with the process of removal of encroachment made by the 6th respondent in S.No.113/3B I.e. Arasu Poramboke Pathai, Ayyampatti, Guntur Village, Thiruverumbur Taluk, Tiruchirappalli District by helping them in putting up compound wall in the encroached area after removing the existing fence.

2. Heard the learned counsel on both sides.

3. It is seen that this petitioner has filed a public interest litigation in W.P.(MD) No.341 of 2014, in which, this Court passed the following order on 02.09.2015:-

5."In such view of the matter, the petitioner has to approach the competent authority, as per the said Government Order, for redressal of his grievance for eviction of encroachments. Accordingly, the petitioner is directed to file a petition before the competent authority along with relevant documents. On receipt of such petition, the competent authority shall consider the same taking into account the report of the advocate commissioner and the objections if any to be filed by the respondents 4 and 5 and pass appropriate orders, on merits and in accordance with the said Government Order, within the time limit, as prescribed.

6.With the above direction, the writ petition stands disposed of. No costs."

4.Pursuant to the order passed by the Division Bench, it is seen that the Tahsildar has addressed a communication to the Commissioner of Thiruverumbur Panchayat Union, to implement the order passed in W.P.(MD) No.341 of 2014 and also seeks police protection for implementing the same. While so, the petitioner has now come up with this petition with the above prayer.

5.In the considered opinion of this Court, this petition is not maintainable for simple reason is that the work of the petitioner stops, when once it is found that the authorities have started acting upon the order passed by the Division Bench in W.P. (MD) No.341 of 2014, if there is any obstruction to the work of the Government Officials, it is open to them to approach the police for necessary police protection and it is not for this petitioner to approach this Court. Under such circumstances, the contention of the petitioner that the 3rd respondent is threatening the petitioner is of no consequence.



6. In the result, the writ petition is devoid of merits and the same is, accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

To

1.The Tahsildar,
Taluk Office,
Thiruverumbur
Tiruchirappalli District

2.The Block Development Officer,
Panchayat Union Office,
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4.The Superintendent of Police,
District Police Office,
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Tiruchirappalli.

5.The District Collector of Tiruchirappalli
Collectorate, Tiruchirappalli District

+One cc to M/s.T.S.Mohamed Mohideen, Advocate, SR.No.17482

+One cc to M/s.V.Sitharanjandas, Advocate, SR.No.17292

RR

RL/8c/3p/sks/rr/5/4/2016

W.P. (MD) No.5902 of 2016

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