



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.7901 of 2011
and
M.P. (MD) .No.1 of 2011

M.MARI

... PETITIONER

Vs

- 1 THE DISTRICT COLLECTOR
RAMANATHAPURAM RAMANATHAPURAM DISTRICT.
- 2 THE SUPERINTENDENT OF POLICE
RAMANATHAPURAM DISTRICT RAMANATHAPURAM.
- 3 THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
EDUCATIONAL DIVISION
RAMANATHAPURAM
RAMANATHAPURAM DISTRICT.
- 4 THE TAHSILDAR
KAMUTHI TALUK RAMANATHAPURAM
RAMANATHAPURAM DISTRICT.
- 5 THE PRESIDENT
MUDALIAR PUDUKULAM PANCHAYAT
KAMUTHI TALUK, RAMANATHAPURAM DISTRICT. : RESPONDENTS

Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus (a) directing the respondents 1 to 4 herein to prevent the 5th respondent from widening the Pudukulam Kanmai and thereby encroaching the lands belonging to Erumaikulam Panchayat and damaging the villages of Pottelpatti, Krumaikadu and Erumaikulam Villages and to grant an order of temporary injunction restraining the fifth respondent from widening the Pudukulam Kanmai and thereby encroaching the lands belonging to Erumaikulam Panchayat and damaged in the villagers of Pottelpatti, Krumaikadu and Erumaikulam Villages.

For Petitioner

: Mr.A.V.Arun

For R.1,3&4

: Mr.D.Muruganandham



ORDER

The petitioner filed this Writ Petition for issuance of a Writ of Mandamus to prevent the fifth respondent from widening Pudukulam Kanmai.

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2. When the matter was taken up for consideration, learned Government Advocate submitted that proceedings were initiated earlier under Section 107 Criminal Procedure Code. There is no unauthorised action on the part of the fifth respondent for widening Pudukulam Kanmai. In view of the same, nothing survives for adjudication. It is open to the petitioner to file a fresh Writ Petition, in case of survival of cause of action.

3. The Writ Petition is closed with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

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RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
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RAMANATHAPURAM DISTRICT , RAMANATHAPURAM.
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PUBLIC WORKS DEPARTMENT EDUCATIONAL DIVISION
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
 - 4 THE TAHSILDAR
KAMUTHI TALUK RAMANATHAPURAM
RAMANATHAPURAM DISTRICT.
 - 5 THE PRESIDENT
MUDALIAR PUDUKULAM PANCHAYAT, KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.
- +One cc to The Special Government Pleader, SR.No.49127
ssm
RL/7C/2P/CK/19/9/2016

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