



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1012 of 2014

Kasinathan

... Petitioner

Vs.

1. The District Collector,
Pudukottai.
2. The District Revenue Officer,
Pudukottai.
3. The Revenue Divisional Officer,
Pudukottai.
4. The Tahsildar,
Karambakudi Post and Taluk,
Pudukottai District.

5. Selvaraj

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in S.F.No.187/4A and 4B of Ponnaviduthi Village, Karambakudi Taluk by the 5th respondent at once.

For Petitioner : Mr.G.Kandha Vadivelan
For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 4
Mr.D.Ramesh Kumar for R5

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner has filed this writ petition to direct the respondents 1 to 4 to remove the encroachments stated to have been caused by the fifth respondent in respect of the public pathway in S.F.No.187/4A and 4B of Ponnaviduthi Village, Karambakudi Taluk.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The affidavit filed in support of the writ petition itself indicates that the fifth respondent obtained patta in respect of the



land in question.

3. There is no question of directing the respondents 1 to 4 to take action against the fifth respondent to remove the obstruction in view of the patta obtained by him. It is always open to the petitioner to challenge the order granting patta to the fifth respondent in respect of the land in S.F.No.187/4A and 4B, in case, the said land is found to be a public pathway as indicated in the judgment and decree in O.S.No.325 of 1996 on the file of the learned Additional District Munsif, Pudukottai.

4. This writ petition is dismissed with the above observation. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Pudukottai.
2. The District Revenue Officer,
Pudukottai.
3. The Revenue Divisional Officer,
Pudukottai.
4. The Tahsildar,
Karambakudi Post and Taluk,
Pudukottai District.

+ 1 CC TO Mr.P.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 67599
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 68390
+ 1 CC TO Mr.D.RAMESH KUMAR, ADVOCATE IN SR No. 67481

SKM/ARUL

TE/SKN-RSK/SAR-III : 08/08/2017 : 2P/8C

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